

Sines, et al. v. Kessler, et al., 3:17CV72, 11/01/2021

1 UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF VIRGINIA
3 CHARLOTTESVILLE DIVISION

4 ELIZABETH SINES, ET AL., CIVIL CASE NO.: 3:17CV72
5 NOVEMBER 1, 2021, 9:00 AM
6 JURY TRIAL, DAY 6

Plaintiffs,

7 vs.

Before:

8 HONORABLE NORMAN K. MOON
UNITED STATES DISTRICT JUDGE
9 JASON KESSLER, ET AL., WESTERN DISTRICT OF VIRGINIA

Defendants.

11 APPEARANCES:

12
13 For the Plaintiffs: ALAN LEVINE, ESQUIRE
14 COOLEY LLP
1114 Avenue of the Americas, 46th
15 Floor
New York, NY 10036
212.479.6260

16
17 DAVID E. MILLS, ESQUIRE
COOLEY LLP
1299 Pennsylvania Avenue, NW,
18 Suite 700
Washington, DC 20004
19 202.842.7800

20
21
22 Court Reporter: Lisa M. Blair, RPR, RMR, CRR, FOCR
23 255 West Main Street, Suite 304
Charlottesville, Virginia 22902
24 434.296.9284

25 PROCEEDINGS RECORDED BY MECHANICAL STENOGRAPHY;
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1 APPEARANCES CONTINUED:

2 For the Plaintiffs:

MICHAEL L. BLOCH, ESQUIRE
ALEXANDRA K. CONLON, ESQUIRE
ROBERTA A. KAPLAN, ESQUIRE
Kaplan Hecker & Fink LLP
350 Fifth Avenue, Suite 7110
New York, NY 10118
212.763.0883

KAREN L. DUNN, ESQUIRE
WILLIAM A. ISAACSON, ESQUIRE
ARPINE S. LAWYER, ESQUIRE
JESSICA E. PHILLIPS, ESQUIRE
Paul, Weiss, Rifkind, Wharton &
Garrison LLP
2001 K Street, NW
Washington, DC 20006
202.223.7300

11 For the Defendants:

DAVID L. CAMPBELL, ESQUIRE
Duane, Hauck, Davis, Gravatt &
Campbell, P.C.
100 West Franklin Street, Suite 100
Richmond, VA 23220
804.644.7400

CHRISTOPHER CANTWELL, PRO SE
#00991-509
USP Marion
4500 Prison Road, PO Box 2000
Marion, IL 62959

BRYAN J. JONES, ESQUIRE
Bryan J. Jones, Attorney at law
106 W. South Street, Suite 211
Charlottesville, VA 22902
540.623.6952

ELMER WOODARD, ESQUIRE
(Appearing via Zoom)
Law Offices of Elmer Woodard
5661 US Hwy 29
Blairs, VA 24527
434.878.3422

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1

2 APPEARANCES CONTINUED:

3 For the Defendants:

WILLIAM E. REBROOK, IV, ESQUIRE
(Appearing via Zoom)
The ReBrook Law Office
6013 Clerkenwell Court
Burke, VA 22015
571.215.9006

6

JOSHUA SMITH, ESQUIRE
Smith LLC
807 Crane Avenue
Pittsburgh, PA 15216
917.567.3168

7

8

9

10

RICHARD SPENCER, PRO SE
P.O. Box 1676
Whitefish, MT 59937

11

12

13

14

15

16

17

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23

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1 (Proceedings commenced, 8:59 a.m.)

2 THE COURT: Good morning. I think we've got another
3 minute, so we'll wait.

4 (Pause.)

5 Before we begin I'll remind everyone that under
6 Standing Order 2020-12 and 2013-8, the Court's prohibition
7 against recording and broadcasting court proceedings remains in
8 force. Attorneys, parties, or their staff and any members of
9 the public or press accessing this proceeding today may not
10 record or broadcast it. That means no photography, no using of
11 video -- video or audio recording device, no broadcasting, live
12 streaming, or otherwise disseminating any live or recorded
13 video or audio of this proceeding.

14 Okay. Ready to call the jury back?

15 MS. KAPLAN: Your Honor, before the jury comes back
16 would you like us to bring up the witness? He's on the second
17 floor.

18 THE COURT: Oh, yes, get him.

19 MS. KAPLAN: Let's do that first so there's no
20 crossed paths.

21 THE COURT: Yeah, I like to have the witness right on
22 hand. I mean, just in general.

23 MR. CANTWELL: I have an issue.

24 MS. KAPLAN: We suggested that this morning, Your
25 Honor, but we were told by the marshals they didn't want him in

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1 the hallway.

2 THE COURT: Okay.

3 Yes, sir?

4 MR. CANTWELL: I was given on Friday a proposed
5 limiting instruction for the jury by the plaintiffs about the
6 deposition of Dillon Hopper, and today I was given a deposition
7 designation for Defendant Kline. And I believe there's still
8 the outstanding matter of my objection to the plaintiffs'
9 deposition designations, particularly those that were not
10 properly noticed to me.

11 THE COURT: Well, they're not coming up today, I
12 don't think, those two depositions.

13 MS. KAPLAN: That's correct, Your Honor.

14 MR. CANTWELL: Okay. We'll do it another time, then?

15 THE COURT: Excuse me? Well, I'd rather do it -- I'd
16 rather get the jury in.

17 MR. CANTWELL: That's fine with me, Judge.

18 THE COURT: Okay. Call the jury.

19 MR. SMITH: Good morning, Your Honor.

20 THE COURT: Good morning.

21 **(Jury in, 9:03 a.m.)**

22 THE COURT: Be seated, please.

23 Good morning, ladies and gentlemen. Glad to see you
24 back this morning. I will remind everyone concerning the
25 COVID-19 health precautions, everyone should wear a mask over

D. Willis - Direct

1 your nose and mouth at all times, whether you're vaccinated or
2 unvaccinated, unless you are speaking on the record, in which
3 case you may remove your mask. Please remain socially distant
4 and remember to conduct the required daily health assessments
5 to see if you have any symptoms that would preclude you from
6 coming in. If so, you could always participate remotely by
7 videoconference. That doesn't apply -- the jury cannot appear
8 by videoconference.

9 All right. You may proceed with the witness. The
10 witness has been sworn and he may have a seat and continue.

11 MS. CONLON: Good morning.

12 THE WITNESS: Good morning.

13 DEVIN WILLIS, CALLED BY PLAINTIFFS, RESUMED

14 DIRECT EXAMINATION (Continued)

15 BY MS. CONLON:

16 Q So when you were here on Friday, we left off talking about
17 August 12th outside of the library. I want to move forward and
18 ask, at some point, did you learn there had been a car attack?

19 A At some point I did learn there had been a car attack.

20 Q How did you learn about it?

21 A I don't remember anymore exactly. Well, I don't remember
22 which people were texting me at the time, but I do remember
23 seeing it on the news as well, and I was really concerned that
24 people I knew had been involved.

25 Q Did you have any reason to think that people you knew were

D. Willis - Direct

1 at Fourth and Water Streets?

2 A I believe so. I knew that a lot of my friends had been in
3 the area.

4 Q So what did you do once you found out about it?

5 A I went to Fourth and Water.

6 Q Do you recall what Fourth and Water looked like on August
7 12th when you got there?

8 A Honestly, I don't recall many details. I know that I went
9 looking for my friends.

10 Q Did you find your friends?

11 A I was -- I couldn't find Nat.

12 Q Did you learn where Natalie Romero was?

13 A Yeah, I'm pretty sure someone told me that she had been
14 taken to the hospital.

15 Q At any point did you see Ms. Romero in the hospital?

16 A Yes. So the next day, August 13th, I spent part of the
17 day in the hospital with Natalie.

18 Q What was seeing Natalie there like?

19 A It was awful. It was really horrible. She was
20 unconscious and she looked like -- almost like crumpled up.
21 She looked almost lifeless. You never want to see a close
22 friend in that state, and I didn't know if she was going to be
23 okay.

24 Q What were the next days and weeks after August 12th like
25 for you?

D. Willis - Direct

1 A It was mostly a blur. I threw myself into overdrive. I
2 wasn't sleeping. I was constantly hustling, busy, trying to
3 find something productive or useful to do to make sense out of
4 what happened that weekend. But it's such a blur now. I
5 entered a really bad place.

6 Q What do you mean when you say bad place?

7 A In the weeks immediately afterwards I would say like -- I
8 would describe it as like -- like a tunnel vision, like I guess
9 an obsession with, like, trying to find something good or
10 productive or some meaningful outcome, right? Like, no one
11 wants to watch a person lose their life, watch a close friend
12 become hospitalized and feel like it was pointless.

13 Yeah, I became exhausted, constant fatigue, and
14 overexertion. It was horrible.

15 Q How did the feelings that you were experiencing affect
16 your personal life?

17 A Right. So -- so yeah, so like after these events and
18 after this kind of like burst of -- of overwork and like, maybe
19 energy, things started to go really badly for me
20 interpersonally. I became the opposite of myself. I stopped
21 being an outgoing and -- yeah, I stopped being an outgoing and
22 sociable person. I think I became very suspicious of people.
23 I became very withdrawn. I mean, I would describe myself and I
24 think others would describe me as very not present at the time.
25 I became constantly distracted and was always getting

D. Willis - Direct

1 flashbacks of the events that happened, and it was an isolating
2 thing because I felt like I couldn't relate to anybody around
3 me anymore except for maybe a handful of people. It was such a
4 lonely time.

5 Q What were you having flashbacks to?

6 A Mainly August 11th, being surrounded, the tiki torches.
7 It was one of the most distressing things that I've ever seen
8 and it's something that became almost like an intrusive
9 thought. You're just trying to go about your day and function
10 like a normal student, but you just know that you were there
11 for this thing and other people weren't, and, you know, you
12 can't talk to anybody about it really. It's not like a common,
13 ordinary experience. I don't know how else to put it right
14 now.

15 Q Thanks.

16 Did you notice any changes in your personality?

17 A I mean, yes. Yes. So I think, like, loss of confidence
18 was a big one, and -- loss of confidence was the biggest one,
19 becoming -- sorry. I'm struggling --

20 Q It's okay.

21 A -- to, like...

22 Q It's okay.

23 Did what you experienced on August 11th or 12th change the
24 way you thought about yourself?

25 A Absolutely. I think I was really optimistic and

D. Willis - Direct

1 forward-looking and perhaps even naive about the world, the
2 country that I live in, and also like, me being black, right?
3 That's the first thing anyone sees about me. And I think I
4 felt much more conscious of how that's a reality that impacts
5 my daily life after this. Right? Like, I became so much more
6 conscious of my race and my identity as a black person than I
7 was beforehand because I could no longer pretend that it
8 doesn't matter.

9 Q You mentioned feeling isolated and lonely. Did you
10 withdraw from any extracurriculars?

11 A Yeah. So that's when, you know, things just kind of go
12 from bad to worse. So I had a really hard time, like,
13 readjusting to just being a regular student after these events.
14 Yeah, I told you the depression, the anxiety, the struggling to
15 function and keep up with, like, daily tasks obviously had a
16 really huge impact on my social life, my academic life, pretty
17 much every facet of my life.

18 And it was really bad socially because whereas beforehand,
19 like I said, I was very accustomed to being over-committed and
20 over-extended with my extracurriculars. And in doing that and
21 taking that in stride, I suddenly had all these things on my
22 plate, all these clubs, these things that were really
23 meaningful and important because, you know, I don't come from,
24 like, a long line of educated people. I felt like I had a
25 million opportunities on campus with different clubs,

D. Willis - Direct

1 organizations, institutes, fellowships, all that kind of stuff.

2 And I just no longer had the energy or the motivation to see my
3 responsibilities through, to see these opportunities through.

4 And I looked like somebody who was just shooting themselves in
5 the foot because nobody knew what was going on with me.

6 Q Are there any particular groups or activities, clubs, the
7 things you've mentioned, that you remember withdrawing from?

8 A Yes. So my involvement with the Black Student Alliance
9 came to an end not long after these events. I struggled and
10 stumbled through admissions and then departure from like
11 several, you know, quote unquote, prestigious organizations
12 that I should have been treating like massive opportunities,
13 but they just became things that were a burden on my daily
14 schedule because I could barely get out of bed. Yeah.

15 Q How did the feelings you were experiencing affect you
16 academically, apart from missing out on prestigious
17 opportunities at school?

18 A Yeah, academically was more of the same story, if not
19 worse. So in the fall, after August 11th and 12th, I was
20 really struggling to sleep, to get rest, to concentrate, to
21 participate. And that really took a toll on my academic
22 performance. I got the first F I've ever received in my life.
23 I failed an economics course.

24 And this kind of upward progress I had been making
25 academically, like all, I think, students are entitled to, just

D. Willis - Direct

1 kind of collapsed. Right? Like, the positive trend became the
2 exact opposite, and I was on academic probation that semester
3 and for several semesters afterwards. It just felt like the
4 world was falling in, like I was losing everything.

5 Q Were academics important to you?

6 A They were extremely important to me. I had really high
7 hopes of going to graduate school either immediately after or
8 shortly after completing undergrad, and you need a competitive
9 GPA to do those kinds of things.

10 I also was worried I wouldn't be able, for example, to get
11 into certain majors and participate in certain honor societies,
12 things that would have been really important to me, and still
13 are important to me, things that I wanted to go after, but I
14 felt like suddenly disqualified from, barred from.

15 Q Is there any reason you cared so much about academic
16 success?

17 A Absolutely. Not just because of, like, where I wanted to
18 go in my personal life. I'm not entitled to any of those
19 things. It's as much about where I come from, right? Like, so
20 I mentioned my family background, and just like -- yeah, like,
21 my people weren't allowed to attend school for a very long time
22 in this country. And it's a point of pride in the family. I
23 wanted to do well. I'm an only child. So I felt a lot of
24 pressure and like I was squandering opportunities by not giving
25 it my best, but I just didn't have it anymore. I lost that

D. Willis - Direct

1 ability.

2 Q Growing up, did your family make an effort to create
3 opportunities for you?

4 A Could you rephrase the question.

5 Q Sure. Can you talk a little bit about any steps your
6 family might have taken to try to help you succeed when you
7 were growing up?

8 A Yeah, absolutely. So for the majority of my childhood we
9 were really poor, actually. And my mom was really smart,
10 though. And she always made an effort to make sure I was poor
11 in, like, good school districts and stuff. So she actually
12 relocated herself and I from Detroit and from Chicago to the
13 DMV for a better life. That was the whole pint.

14 Q When you say DMV, what do you mean?

15 A DC, Maryland, Virginia.

16 Q So you came out to Virginia to get a better education?

17 A Absolutely, yeah. My mom came first, and she came looking
18 for work. And then she found work and then she sent for me to
19 come join her a couple months later.

20 Q How long did you struggle at school for after August 11th
21 and 12th?

22 A Honestly, the rest of my time at UVA I felt like I was --
23 I wanted to come to that school and just hit the ball out of
24 the park, but I really felt like I was lucky to just graduate
25 on time. Yeah.

D. Willis - Direct

1 Q Did you experience any work-related difficulties as a
2 result of August 11th and 12th?

3 A Yeah, so I talked about this really cool internship that I
4 was fortunate enough to get at the end of my freshman year
5 going into my sophomore year, and that was the job that, you
6 know, was the reason I happened to be in town when these things
7 were taking place.

8 And they did their best to be patient with me, but like,
9 there's no amount of graciousness that was able to save me from
10 getting fired. I just could not deliver and I could not keep
11 up with my work responsibilities, and a job is a job, so I was
12 let go.

13 Q Did you have any difficulties finding work after you
14 graduated?

15 A Right. Yes. I had a really hard time finding work after
16 I graduated. I'm very fortunate now, but like, I, you know,
17 went to this somewhat prestigious school and I was over -- I
18 was so involved and I participated and I gave it my all until I
19 couldn't anymore. And then I ended up without the tools that I
20 was supposed to be paying for. So like, the only job that I
21 could get after university with a surprisingly low GPA and no
22 work experience to speak of since -- after undergrad, right?
23 That meant that I basically could only get a job teaching
24 English as a second language in Mexico.

25 Q Is that a well-paying job?

D. Willis - Cross

1 A It's not a well-paying job. Not a well-paying job. I
2 applied to a lot of other jobs and it took a very long time
3 before anything could work out.

4 Q So it's four years later since these events happened. How
5 are you doing now?

6 A I still struggle with a lot of the mental and emotional
7 things. I still feel like I can't get back the things that
8 I've lost. I struggle with the flashbacks a lot. Nightmares
9 subsided until I came back here for this trial.

10 So -- but I would say that, like, a lot of things have
11 gotten better, you know, like, four years. You have to keep
12 going with your life and it's, like, not going to be perfect.
13 But I'm proud of the progress I've made, but yeah, like, it's
14 still hard to be here and it's still hard to revisit certain
15 places. It's still hard to look back at college as fondly as I
16 know people tell you you're supposed to because of what
17 happened.

18 MS. CONLON: Thank you. Nothing further.

19 THE WITNESS: Thank you.

20 THE COURT: Sir, go ahead.

21 CROSS-EXAMINATION

22 BY MR. JONES:

23 Q Good morning, sir.

24 A Good morning.

25 Q I represent Michael Hill, Michael Tubbs and the League of

D. Willis - Cross

1 the South. I have a few questions for you this morning.

2 I'm going to pull up what's been admitted as PX3261.

3 Mr. Willis, can you see that on the screen?

4 A Yes, sir.

5 MR. SMITH: It's a little blur -- now it's good. You
6 zoomed in, so it's good.

7 BY MR. JONES:

8 Q You testified that you helped edit this document; is that
9 right?

10 A Yes, sir.

11 Q Did that include drafting parts of it?

12 A I don't remember if I helped draft it. I just know I
13 edited it.

14 Q What do you mean by edited the document?

15 A Checking for spelling, grammar, that sort of thing.

16 Q So I'm going to scroll down her to this paragraph that
17 begins with "Organizer Walt," and then his last name is blanked
18 out. I'll mark it on the screen here. Actually, that's not
19 the right...

20 This paragraph right here, there's a sentence that begins
21 with "The intention of PARJ"; can you see that?

22 A A sentence begins that way? Where is it?

23 Q So it's in the middle of that paragraph.

24 A Yeah, I see it.

25 Q So it says, "The intention of PARJ is to focus on lawful

D. Willis - Cross

1 assembly in support of direct actions in protest of the Unite
2 the Right rally."

3 What does "direct actions" refer to?

4 A I think -- I'm not really sure what it means. Are you
5 asking me to speculate?

6 Q If you don't know, no, I'm not asking you to speculate.
7 Well, it comes up a couple other times in the document. In
8 this paragraph, I'm going to start with the sentence here that
9 begins with "there will be information." Do you see that?

10 A "There will be information." Yes, sir, I see it.

11 Q So it says "There will be information, teach-ins, and
12 speakers, in addition to prayer and meditations, music and art,
13 and an opportunity for respite from direct actions taking place
14 around Emancipation Park." Do you see that?

15 A Yes.

16 Q Some of the protest activity that you engaged in was
17 around Emancipation Park; isn't that correct?

18 A That's correct.

19 Q So does that help you sort of remember what "direct
20 actions" refers to?

21 A I think I have an idea, but I think that, like, "direct
22 actions" is like a really broad term, like a net cast to
23 describe lots of protests that are distinct from, you know,
24 meditation and prayer, things like that.

25 Q So it's sort of -- your understanding is that it's

D. Willis - Cross

1 distinct from meditation and prayer-type protest activities?

2 A Right.

3 Q And is broadly referring to various other protest
4 activities?

5 A That is my understanding, but I don't feel like an expert
6 on this topic at all.

7 Q So the paragraph underneath the one we just went over
8 begins with: "We acknowledge." Do you see that paragraph?

9 A Yes, sir.

10 Q So that first sentence of that paragraph says: "We
11 acknowledge there will be a significant number of people in the
12 downtown area and urge all parties to engage in nonviolent
13 civil protest and to be prepared if engaging in direct action."

14 Do you see that?

15 A Yeah.

16 Q So I think you were sort of alluding to this a second ago,
17 but it seems like you've got nonviolent civil protest on the
18 one hand, contrasting with engaging in direct action; does that
19 sound right?

20 A That's what this sentence kind of implies; but like I
21 said, my understanding was that -- like, for me personally --
22 and that's why I'm pretty sure I didn't write this -- like,
23 nonviolent sort of protest and direct action are usually the
24 same thing.

25 MS. KAPLAN: Let me pause for one second. The

D. Willis - Cross

1 realtime on our computers has stopped. Mr. Shepherd -- is
2 there any way -- or can the clerk --

3 (Discussion off the record.)

4 BY MR. JONES:

5 Q Do you mind, Mr. Willis, repeating what you just said
6 about direct -- is the realtime working? Okay.

7 Do you mind repeating what you just said about your
8 understanding of direct action?

9 A My personal understanding of direct action is that, like,
10 it's often the same thing as nonviolent civil protest, in my
11 personal understanding.

12 Q Although you would acknowledge that in this document, they
13 appear to be sort of contrasted with each other, nonviolent
14 civil protest contrasted with direct action; isn't that
15 correct?

16 A I mean, they're definitely written separately, yeah. In
17 nonviolent civil protest and to be prepared if engaging in
18 direct action.

19 Q Then that last sentence of that same paragraph says: "We
20 ask that people coming downtown bring extra food and water to
21 share and to bring ponchos for rain, rather than umbrellas"; do
22 you see that?

23 A Yes, sir.

24 Q So the day of August 12th started for you at McGuffey
25 Park; is that right?

D. Willis - Cross

1 A That is correct.

2 Q And Black Lives Matter was also at McGuffey Park as part
3 of the protest; is that correct?

4 A I'm not sure. A lot of people were wearing Black Lives
5 Matter shirts. I think people who identify with it were there.

6 Q So there's a Facebook link at the bottom of this document
7 that we've got here. And I'm going to pull up that link here.

8 Can you see that, Mr. Willis?

9 A Yes. This looks like an Eventbrite page.

10 Q Do you know if you drafted this event page on Facebook?

11 A I do not know if I drafted it.

12 Q I'm going to scroll down. Do you see that part I circled
13 there?

14 A Yes.

15 Q It says: "Statements by Legal Aid Justice Center, Black
16 Lives Matter." Do you see that?

17 A Uh-huh, yes.

18 Q So would it be safe to say that Black Lives Matter was
19 part of the group there at McGuffey Park that you were with?

20 A Possibly. They might have arrived after I left. Like, I
21 wasn't there for the entirety of the programming.

22 I'm assuming that that's referring to just the Black Lives
23 Matter C'ville Chapter.

24 Q You're not a member of Black Lives Matter, of any chapter?

25 A I'm not a member of any chapters, no.

D. Willis - Cross

1 Q And you weren't previously?

2 A I was not previously.

3 Q I'm going to pull up a video that the plaintiffs have
4 marked as PX3264.

5 Do you recognize this video, Mr. Willis? Let me play it.
6 I'm going to cancel the audio first, and let's play it.

7 (Plaintiffs' Exhibit 3264 marked.)

8 A I do recognize the video.

9 Q You took the video, right?

10 A I believe so, yes.

11 Q I'm going to play the audio here.

12 (Video playing.)

13 BY MR. JONES:

14 Q Did you take that video on August 12th?

15 A Yes.

16 Q And does that fairly and accurately represent what you
17 captured on August 12th in that video?

18 A Yes, it does.

19 MR. JONES: Your Honor, I'll move to introduce
20 PX3264.

21 THE COURT: Be admitted.

22 (Plaintiff Exhibit 3264 admitted.)

23 BY MR. JONES:

24 Q So in the video, you seem to be chanting: "No justice, no
25 peace, no racist police"; is that right?

D. Willis - Cross

1 A Yes, sir.

2 Q Isn't that a Black Lives Matter chant?

3 A I don't know if it's exclusively affiliated with Black
4 Lives Matter. It was just the chant I was using.

5 Q So yesterday you testified that the reason you went to the
6 Unite the Right rally on August 12th was to protest these
7 groups, these protest groups that were coming in. Sometimes we
8 refer to them as white nationalists.

9 But here you are on August 12th chanting about racist
10 police. Do you know why you were doing that?

11 A Probably because other people were also doing it.

12 Q So you tended to follow what other people were doing that
13 day?

14 A I think in the purpose of, like, this song, yeah, like, if
15 someone was singing that -- you know, that's the point. You
16 chant and you sing together.

17 Q So there were times on August 12th when you didn't
18 necessarily do what you planned to do, but you followed what
19 other people were doing?

20 A Maybe in the context of the songs. I didn't, like, you
21 know, rigorously interrogate every single song that I sang.

22 Q So what did you mean when you said "no justice, no peace,
23 no racist police"? Were you referring to the Charlottesville
24 Police Department?

25 A Yeah, I might have been speaking -- I might have been --

D. Willis - Cross

1 that song might have been addressed to -- like I said, I mainly
2 was singing it because other people were singing it.

3 I think my primary motivation for singing it was just,
4 like, being in community with the people who I had come to
5 protest with. But I do think that, like, that's something I
6 believed at the time. Like, yeah, you don't want racist police
7 anywhere; not in Charlottesville, not anywhere. That's not
8 something...

9 Q Okay. And you testified on Friday that you were aware
10 that the protesters who were coming to protest at what was
11 referred to as Emancipation Park in 2017, you're aware that
12 they had a permit to protest there?

13 A I'm aware they had a permit there.

14 Q And the groups that you were counter-protesting with at
15 McGuffey Park, you guys had a permit for McGuffey Park; is that
16 right?

17 A That is correct.

18 Q And you testified that in the lead-up to August 12th, you
19 attended a meeting with the Charlottesville Chief of Police; is
20 that correct?

21 A That is correct.

22 Q Would that have been Chief Al Thomas?

23 A I can't remember who the chief was.

24 Q Was he an African American male?

25 A I believe so.

D. Willis - Cross

1 Q You said that the purpose was sort of to discuss how to
2 create a safe environment; is that right?

3 A That's how I remember the meeting, yes.

4 Q What sort of things did he suggest as far as how you could
5 accomplish that goal?

6 A I only recall that I was there. I don't remember, like,
7 the substance of the meeting.

8 Q Okay. So at some point you transitioned from McGuffey
9 Park to what was formerly called Emancipation Park; is that
10 right?

11 A That's correct.

12 Q And you set up outside the library, sort of just outside
13 of Emancipation Park?

14 A Yes, on that corner, on the library side of that street.

15 Q And you were there until you heard the police declaring an
16 unlawful assembly and clearing everybody from Emancipation
17 Park; is that right?

18 A Yes. I believe so.

19 Q So you remained there the entire time until that unlawful
20 assembly was declared?

21 A I don't remember ever stepping into the intersection for
22 more than a few minutes at a time.

23 Q I'm just referring to that general area.

24 A Then yes. Yes.

25 Q The intersection or that sidewalk area.

D. Willis - Cross

1 A Yeah, that was my -- that's where I was.

2 Q You said that you witnessed some people using sticks and
3 poles sort of as weapons to hit other people; is that right?

4 A Yes.

5 Q And did you notice any police presence there?

6 A You know, when I remember it now, I can't even remember
7 where the police were standing; but I do know that there were
8 police, yes.

9 Q There were some police there?

10 A Yes.

11 Q You don't know specifically where they were, but there
12 were police officers there?

13 A Exactly. I can't recall where they were standing, and
14 definitely not relative to me.

15 Q You said that you were chanting various things, including
16 you were chanting "shut it down, shut it down"?

17 A Yes.

18 Q Was that another chant that you sort of took up with other
19 people you were with, or --

20 A Yeah, I can't, like, remember if it was something that I
21 heard or something that, you know, I started. I don't remember
22 anymore. It's just a chant.

23 Q So when you said "shut it down," you were talking about
24 the rally, right?

25 A Yeah, I believe we were referring to the park.

D. Willis - Cross

1 Q And you were referring to you trying to take direct action
2 to shut down the rally, correct?

3 A No. I think we were pleading for the police to shut the
4 rally down on our behalf, or on behalf of the public and public
5 safety.

6 Q But you just testified you knew there was a permit, a
7 legal permit, to hold a rally, right?

8 A Yes. And I think that views about the propriety of
9 letting the rally go on, I think I probably felt like, after
10 what had happened to me the night before, that permit maybe was
11 not the best idea anymore.

12 Q Did you notice people wearing red bandannas around their
13 neck?

14 A I did not.

15 Q You didn't. Okay.

16 So I'm going to pull up PX3267.

17 (Video playing.)

18 BY MR. JONES:

19 Q So when that video was introduced on Friday, you testified
20 that you took that video, correct?

21 A Correct.

22 Q And you took that video, you said, of mostly your fellow
23 UVA students?

24 A Yes.

25 Q And at that point you guys were creating a human chain or

D. Willis - Cross

1 blockade in the middle of Market Street; is that right?

2 A We lined up on Market Street, yes.

3 Q And you were in the middle of the street -- not you, but
4 your group? You were --

5 A Yes. They were in the middle of the street. Yes.

6 Q And what was the purpose of that?

7 A I think it was kind of similar to the demonstration and
8 the protest last night or the night before on the Jefferson
9 statue. It was kind of symbolic, right? It's like -- I mean,
10 the chant is "the people united will never be divided." And
11 that's, I guess, how they wanted to demonstrate the people
12 uniting.

13 Q So you could have demonstrated that you were united if you
14 stood at the side of the road and linked arms, couldn't you
15 have?

16 A They could have, I suppose.

17 Q So if you do that in the middle of the road, your
18 intention is to prevent people from walking down the road,
19 isn't it?

20 A I don't really think so because there's also, like,
21 sidewalks to go around them, I think. Yeah, that's something
22 I've always thought about is, like, yeah, they could have went
23 around us. But...

24 Q Okay. So let's start from the front of this video here
25 and go through frame by frame.

D. Willis - Cross

1 Let's start with this gentleman here and see if this will
2 work to circle.

3 This gentleman, is he a UVA student?

4 A That person is nonbinary, and they were a UVA student at
5 the time, yes.

6 Q I'm going to circle this person here in the middle of the
7 screen. Do you recognize that person?

8 A I recognize the face, but I don't know this person very
9 well.

10 Q Do you see what he's wearing around his neck?

11 A Yes.

12 Q What is that?

13 A A red bandanna.

14 Q You didn't notice that at the time?

15 A I really didn't. Like, I haven't seen the video, like,
16 that closely. I probably just forgot that there were, in fact,
17 students with red bandannas.

18 Q So I'm going to draw your attention to a flag here in the
19 background. Do you see that red flag with the sickle?

20 A I can't tell if it's a sickle, but I do see a red flag.

21 Q Do you see that?

22 A Yes.

23 Q Can you tell that's a sickle?

24 A Like, kind of.

25 Q So that's the communist flag of the Soviet Union; isn't

D. Willis - Cross

1 that correct?

2 A If that's a sickle, then that's probably what it is, yeah.
3 I think so.

4 Q Do you remember seeing that among your fellow
5 counter-protesters on August 12th?

6 A I didn't remember seeing it. It didn't stand out to me.

7 Q You forgot about that?

8 A Yeah.

9 Q Okay. You didn't realize there were communist supporters
10 among the counter-protesters?

11 A Yeah, I just wasn't really paying much attention to them.
12 I was, like, focused on the group that I had come with.

13 Q What about this person here in the white shirt? Do you
14 know her?

15 A I don't know who that is.

16 Q Do you see this person back there that I just circled?

17 A Yes.

18 Q Do you see the red bandanna around their neck?

19 A I do.

20 Q Is that something that you just didn't notice, either?

21 A Probably -- I don't think so, no. They don't look like
22 they're with this group.

23 Q You didn't recognize that as a symbol of Antifa?

24 A No, I didn't.

25 Q These two individuals standing between the woman with the

D. Willis - Cross

1 white blouse and the person with the blue, do you recognize
2 them?

3 A No, I do not recognize them.

4 Q Were they UVA students?

5 A I do not recognize them.

6 Q How about this individual with the blue shirt and the hat?

7 A I can't see their face. I'm not sure who they are.

8 Q What about this individual in the orange shirt?

9 A I'm not sure who that is, either.

10 Q Do you see what they have around their neck?

11 A Yes.

12 Q What is it?

13 A A red bandanna.

14 Q Is this your first time noticing that he's wearing a red
15 bandanna?

16 A Yes.

17 Q What about this individual right here? Do you recognize
18 him?

19 A I do not.

20 Q It looks like he has, actually, an orange bandanna around
21 his neck, correct?

22 A Correct.

23 Q And I guess you can see a little bit better; do you see
24 the sickle flag in the background there?

25 A I do, yes.

D. Willis - Cross

1 Q Is that Natalie Romero?

2 A That is Nat, yes.

3 Q So if somebody would have said that Natalie was only
4 standing on the side of the road with a group of female
5 counter-protesters, that would be obviously incorrect, right?

6 A I think there are females present. I don't think that
7 this video invalidates that statement if someone said that.

8 Q Is she standing in the middle of the road linking arms
9 with a white male here?

10 A It looks like it.

11 Q Do you recognize the male with the black? Do you
12 recognize him?

13 A I don't recognize him.

14 Q Were these members of the band that you were with, these
15 people who have cymbals and a drumstick?

16 A I think so, yes.

17 MS. CONLON: Sorry about that.

18 BY MR. JONES:

19 Q So this individual here in black holding what appears to
20 be some kind of a pole, do you see that?

21 A Yes.

22 Q Was that the type of pole that you saw being used as a
23 weapon that day?

24 A I'm not sure. I don't know. I'm not sure what that is
25 that he's even holding.

D. Willis - Cross

1 Q Well, you saw people using flagpoles and sticks as
2 weapons. My question was: Is that the type of -- I'm not
3 asking if you saw him use it as a weapon. I'm just asking you
4 if that's the type of stick or pole you saw being used as
5 weapons that day.

6 A I mean, if that's a flag, then it's a flag. But yeah, for
7 sure, like a flag was one of the -- flags and flagpoles were
8 one of the weapons that I saw being used that day.

9 Q This person is clearly a counter-protester, right?

10 A That would be my best guess. Like, I think so.

11 Q So you're saying sometimes it's hard to tell, right?

12 A Sometimes it is hard to tell.

13 Q This person happens to be wearing all black with a black
14 bandanna across their face, correct?

15 A Correct.

16 Q You're inferring because he's standing with a group of
17 counter-protesters blocking Market Street that he is a
18 counter-protester, correct?

19 A I mean, yeah, he's with some people I recognize, so I'm
20 assuming that he's not a Unite the Right person.

21 Q Do you recognize either of these two people? A person
22 with sunglasses holding a "melt the statues" sign, do you
23 recognize that person?

24 A I do not recognize either.

25 Q What about the gentleman standing next to her in a black

D. Willis - Cross

1 T-shirt?

2 A I don't recognize this person.

3 Q What about this person with glasses and a gray T-shirt?

4 A No.

5 Q What about this person here with a black T-shirt
6 underneath some sort of a button-up shirt? Do you recognize
7 him?

8 A No, I do not recognize that person.

9 Q Do you see what appears to be a stick there in front of
10 him?

11 A I do.

12 Q Was that the type of implement you saw being used as a
13 weapon on August 12th?

14 A Yeah, I saw people with sticks.

15 Q Do you see that person there behind that I just circled?

16 A Yes.

17 Q What does that person have around their neck?

18 A A rainbow bandanna.

19 Q Do you see this person standing back behind there I just
20 circled?

21 A Yes.

22 Q What do they have around their neck?

23 A A red bandanna.

24 Q It seems safe to say that, actually, most of the people
25 that we just went through were not UVA students that you

D. Willis - Cross

1 recognized; isn't that right?

2 A I recognize several UVA students in this video. Also,
3 some of them were standing, like, behind the line as well, but
4 there was a lot of people who were unknown to me, who they
5 were.

6 Q So my question was just -- I know you identified a few UVA
7 students there. But isn't it correct that the majority of the
8 people that we just spoke about who were forming the human
9 barricade across Market Street were not UVA students that you
10 recognized?

11 A I mean, I didn't recognize everyone personally. I don't
12 know who was and was not a student. Like, a lot of the people
13 looked really young, so I don't know about, like -- I think
14 some people probably weren't UVA students, but I think that at
15 the time they were standing in the student section with the
16 students, and, like, that's why I understood them as UVA
17 students.

18 Q It's safe to say this isn't a group of UVA students
19 reading poetry in the park, isn't it?

20 A I think it's safe to say that.

21 Q So as you guys took positions across Market Street and
22 protesters arrived, walking down Market Street, did the police
23 intervene?

24 A I don't remember seeing the police intervene.

25 Q Did you ask the police why they didn't stop you from

D. Willis - Cross

1 blocking a public roadway and trying to prevent people from
2 attending a rally?

3 A I didn't ask the police that. And I don't feel like the
4 roadway was totally blocked.

5 Q Do you know why the police were allowing you to do that?

6 A I do not.

7 Q Just if you know. You don't?

8 A Yeah, I'm not sure.

9 Q Okay. You testified that you were -- you used the word
10 "curious," you used the word "annoyed," that the protesters
11 were walking down Market Street and using that particular
12 entrance to go to the park; do you remember saying that on
13 Friday?

14 A I do remember saying that.

15 Q I'm going to pull up a map of downtown Charlottesville.
16 Do you see that?

17 A Yes.

18 THE CLERK: Mr. Jones, is this just a demonstrative?

19 MR. JONES: Yes.

20 BY MR. JONES:

21 Q So just to clear up a little confusion, we've been
22 referring to the park where the demonstration happened as
23 "Emancipation Park." The name has changed to Market Street
24 Park. But do you see the middle of the map there?

25 A Yes, I see it.

D. Willis - Cross

1 Q So I'll still call it "Emancipation Park," but that's the
2 park that I am referring to.

3 At the top left, do you see McGuffey Park?

4 A Yes.

5 Q And at the bottom right, there is the Market Street
6 garage; do you see that?

7 A Yes.

8 Q Right next to the Market Street garage is the
9 Charlottesville Police Department; do you see that?

10 A Yes.

11 Q So you're aware that the Market Street parking garage, the
12 main entrance and exit of that garage is right on Market
13 Street, correct?

14 A Yes.

15 Q If you would, please, draw the most direct route to
16 Emancipation Park from the Market Street parking garage.

17 A Sure. I think the most direct route is -- the drawing
18 feature is not working.

19 Q Let me see if I can -- would it be that route?

20 A Yes, I think so.

21 Q And that's the entrance of the park where you were
22 standing with the other group of counter-protesters, correct?

23 A Yes.

24 Q So was there anything special about that particular
25 entrance to Emancipation Park for you? Was there any

D. Willis - Cross

1 particular reason why you were trying to block that entrance to
2 the park?

3 A I wasn't trying to block the entrance to the park. If I
4 had to guess why we picked that corner, it's probably because
5 we also came from the east.

6 Q Oh, you came from -- well, so do you mean because you went
7 from McGuffey Park to the bridge, and then --

8 A Yes. That's what I'm referring to.

9 Q So let me clear the screen here.

10 So if -- if this entrance to Emancipation Park would have
11 been obstructed or blocked by counter-protesters, assuming for
12 the sake of argument that there were other possible entrances
13 to the park -- for example, let's assume that that second
14 circle at the top right corner of the park, let's assume that
15 was an available entrance for them to use. If the lower
16 entrance where you were was blocked, they would have had to go
17 back one block up, one block and over a block, to get to that
18 entrance, correct?

19 MS. CONLON: Objection, calls for speculation.

20 THE WITNESS: And I still answer, right?

21 THE COURT: Overruled.

22 Go ahead and answer.

23 THE WITNESS: I answer?

24 I think that if the pathway to Market Street was
25 blocked the way it was when we were doing our symbolic, I

D. Willis - Cross

1 guess, stand, the next most efficient way would have been to
2 just use the sidewalk. But after that, sure, you could go
3 around a block and into the park.

4 BY MR. JONES:

5 Q So did you ever notice a time when the complete roadway
6 across Market Street was blocked?

7 A I did not.

8 Q You didn't notice that at all?

9 A No, sir.

10 Q So let's say, for example, if the entire roadway was
11 blocked by counter-protesters linking arms, the protesters
12 would have had to go three blocks in the outline I just
13 outlined, correct?

14 A That seems like -- yeah.

15 Q So is it your testimony today that you and your fellow
16 counter-protesters would simply have stayed at this entrance
17 and not have gone like this up to that entrance to try to block
18 that entrance as well?

19 MS. CONLON: Objection. Calls for speculation again.

20 THE WITNESS: I'll just speak for myself.

21 THE COURT: Overruled.

22 MR. JONES: That's all I'm asking him to do.

23 THE COURT: All right. You answer the question.

24 THE WITNESS: Okay. I'm sorry.

25 Yeah, I'll just speak for myself. I don't think the

D. Willis - Cross

1 objective was to -- you know, if they had used the sidewalk, I
2 wouldn't have jumped in front of them. That wasn't the point
3 of that. Like I said, it was mostly a symbolic sort of
4 standing up. That's why there was music and stuff.

5 BY MR. JONES:

6 Q If nobody was there at that entrance to show the symbolic
7 protest, you would have gone to a different location to have a
8 symbolic protest, correct?

9 A Could you rephrase the question?

10 Q The purpose of the symbolic protest was so people could
11 see the protest, correct? You wanted people to see what you
12 were doing?

13 A I think so.

14 Q Particularly, you wanted the protesters to see what you
15 were doing, right?

16 A I'm not sure. Like, I think that --

17 Q Who was your audience?

18 A I think -- yeah, that's a good question, right? I think
19 the audience is really more so other counter-protesters more so
20 than the protesters themselves.

21 Q So when you're standing in the middle of the road blocking
22 the protesters from coming into the park, your audience is not
23 the actual protesters themselves?

24 A I mean, pretty much, like, I mean, if you look at that
25 video, our back is to the people who are in Emancipation Park.

D. Willis - Cross

1 You know, we are -- I'm speaking for myself here. Like, yeah,
2 it's -- it's a turn of phrase to say, like, standing up to
3 hate, and I'm like, that's a symbolic -- that's a performance
4 of that, standing up to hate. And we did that in the street.

5 Q Are you saying there were only protesters behind you or
6 didn't you testify that some protesters were coming down the
7 road towards you?

8 A That's also true, yeah, but there were, like, protesters
9 in every direction from where I'm standing in that area.

10 Q So isn't it true, if the protesters had tried to go to a
11 different entrance, you would have simply followed them and
12 made your ceremonial protest at a different entrance?

13 A I don't think that's true.

14 Q Can you speak for anybody else or just yourself?

15 A Just myself.

16 Q Did you participate in any of the logistics meetings with
17 the organizers of the protesters and the Charlottesville Police
18 Department?

19 A With Unite the Right organizers and the Charlottesville
20 Police Department? I don't recall if Unite the Right people
21 were there. But I do just remember being at one meeting with
22 CPD.

23 Q So you weren't aware of whether there was a -- an
24 understanding between the Charlottesville Police Department and
25 the protesters about where they would access the park; you were

D. Willis - Cross

1 not aware of that, were you?

2 A I was not aware of that.

3 Q That could also explain why they were using that entrance,
4 correct?

5 A That could be an explanation, but it wasn't in my
6 knowledge at the time.

7 Q Also the fact that it's the most direct route from the
8 parking garage could also be an explanation, correct?

9 A That could be an explanation.

10 Q So you testified that you were there at that corner of the
11 library until the unlawful assembly was declared, correct?

12 A Yes, sir.

13 Q I'm going to pull up a video, PX3239.

14 (Plaintiffs' Exhibit 3239 marked.)

15 THE CLERK: Has this been previously admitted?

16 (Video playing.)

17 BY MR. JONES:

18 Q Do you recognize where this is?

19 A I'm not exactly sure where it is.

20 Q Let me play a little bit more so you can see.

21 (Video playing.)

22 That's outside of Emancipation Park and the library,
23 right?

24 A Yes.

25 Q And you were stationed over in this area where I've

D. Willis - Cross

1 circled, right?

2 A Either there or further to the right, yes.

3 Q You testified that you came out to form this human
4 barricade across Market Street at least a couple times,
5 correct?

6 A Yes.

7 Q Could it have been more than a couple times?

8 A I think it was a couple times. I don't know how many
9 times.

10 Q Could have been three, could have been two? You don't
11 know exactly?

12 A I'm not sure, yeah. I don't remember too well.

13 Q You testified that one of the times the group of
14 protesters that was arriving to the park that was walking along
15 Market Street towards the park was a group with older, bearded
16 men. Didn't you say that?

17 A Yes.

18 Q I'm circling here, that's Michael Tubbs. That's one of my
19 clients. He appears to be an older man with a beard, correct?

20 A Correct.

21 Q Another circle here, that's Michael Hill, one of my other
22 clients. He appears to be an older man with a beard, correct?

23 A That's correct.

24 Q Was this the group that you recall?

25 A I'm really not sure.

D. Willis - Cross

1 Q I'm going to back up here. I've got a screenshot. That
2 will be easier for us to go through.

3 Could you mark on this picture, if you can, where the
4 protesters who were arriving down Market Street could have gone
5 around this group of counter-protesters?

6 A Yes. They could have went on the other side of this white
7 vehicle, but I can't -- well, the drawing feature isn't
8 working, and also that part of the street is not pictured.

9 (Video playing.)

10 Q So you're suggesting this group could have gone around
11 there to try to enter the park?

12 A I was pointing to the side of the street but it doesn't
13 look -- they could have gone around either side of both white
14 vans.

15 Q And I guess you're assuming that this group that's
16 blocking the roadway, completely blocking the roadway, they
17 wouldn't have just shifted over. You're saying there's
18 something special about that particular spot of ground?

19 A Could you rephrase the question.

20 Q It's your belief that if they would have gone around the
21 back of that van, that this group of people that's completely
22 blocking the road, they would have just stayed where they're
23 at? They wouldn't have shifted over to block --

24 THE CLERK: Mr. Jones, did you intend to admit that?

25 MR. JONES: (No verbal response.)

D. Willis - Cross

1 THE CLERK: Okay. Sorry.

2 THE WITNESS: Yeah, I really don't think it would be
3 fair for me to speak on what they would do. It is my belief
4 they wouldn't do that. I think the point is like, you are
5 standing your ground and you are not being displaced or
6 whatever. And that's like the whole gesture. It's not about
7 following people and jumping in front of them. But for myself
8 especially, I would not have shifted my -- where I was
9 standing.

10 BY MR. JONES:

11 Q All right. Let's go through this line of folks. Starting
12 with this guy on the left, does he appear to be a UVA student?

13 A He does not look like a UVA student.

14 Q He's wearing all black; is that right?

15 A He is wearing all black.

16 Q The gentleman standing next to him, does he appear to be a
17 UVA student?

18 A I mean, I don't think so.

19 Q What's he wearing around his neck?

20 A He's wearing a bandanna.

21 Q What color is the bandanna?

22 A Red.

23 Q What about this person, do they appear to be a UVA
24 student?

25 A They could be. I don't know. But I'll go with no.

D. Willis - Cross

1 They're not someone I recognize as a UVA student anyway.

2 Q What about this person, do you recognize that person?

3 A I don't know who that is.

4 Q What's that person wearing around their neck?

5 A A red bandanna.

6 Q You really didn't notice any red bandannas that day?

7 A I mean, I really didn't. Like I said, like, I was mostly
8 concerned with and accounting for the people I came with.

9 Q What about this person, do you recognize that person?

10 A I do not.

11 Q What about the individual with the blue shirt, sunglasses,
12 hat, do you recognize them?

13 A No.

14 Q What does that person have in their hand?

15 A I really can't tell.

16 Q Do you see that umbrella? Let me circle it for you.

17 A Okay.

18 Q Is that an umbrella?

19 A That looks like an umbrella.

20 Q What about this person, do you see the red bandanna around
21 their neck?

22 A I do.

23 Q What about this individual, do you see them?

24 A I see them.

25 Q Do you see that they're holding what appears to be a

D. Willis - Cross

1 flagpole?

2 A I see them holding a flag.

3 Q Do you see the pole attached to the flag?

4 A Like the one he's holding?

5 Q Yeah.

6 A I see the -- yeah.

7 Q Was that the type of weapon you saw being used during
8 confrontations and conflicts that day?

9 A Yes.

10 Q Appears to be another -- let me zoom out. Do you see
11 there's a second flag and a pole as well?

12 A Yeah.

13 Q That's also the kind of thing that was being used as a
14 weapon that day?

15 A Yeah, it's also a flag.

16 Q Do you recognize what that flag is?

17 A I do not recognize what that flag is.

18 Q So is there any space to go around these people straight
19 down Market Street?

20 A I don't -- like -- like, are you asking about the entirety
21 of Market Street or just this section where they're standing?

22 Q Well, so on the left, there's that white line --

23 A Yes.

24 Q -- that marks the edge of the road there. And then all
25 the way over to where the van or whatever is parked right

D. Willis - Cross

1 there, is there any space for anybody to walk through there?

2 A Yeah, not on the -- not really, no, not on the -- not on
3 the roadway.

4 Q Fair to say that most of the folks here blocking the
5 roadway are not UVA students?

6 A I think in this photo that seems like a fair thing to say,
7 but I don't know who these people are, so I can't confirm or
8 deny their affiliations to UVA.

9 Q So you talked a lot about -- you talked some about the
10 rally in July, the Klan rally. If I call it the July Klan
11 rally, do you know what I'm talking about?

12 A Yes.

13 Q And then contrasting that rally with the August 12th Unite
14 the Right rally.

15 A Yes.

16 Q You described the Klan rally as -- I mean, you saw some of
17 the Klan members had weapons, but otherwise it was an
18 uneventful, nonviolent rally; is that right?

19 A For the Klan rally, yes.

20 Q There was a pretty significant police presence at the Klan
21 rally, wasn't there?

22 A Yes.

23 Q In fact, the police were actually separating the
24 counter-protesters from gaining access to the Klan; isn't that
25 right?

D. Willis - Cross

1 A I don't remember the details, but I know that they had a
2 park again. So, like, counter-protesters were not in the park
3 for sure.

4 Q And you were surprised that you experienced violence at
5 the August rally because you were assuming that the August
6 rally was going to be similar to the July rally where you
7 didn't experience violence; is that right?

8 A Yes, that's correct.

9 Q Couldn't it be that one of the reasons you experienced
10 violence at the August rally was that you were standing with
11 other counter-protesters blocking a public roadway, but in July
12 you didn't do that?

13 A Could you rephrase the question, please?

14 Q Couldn't the reason that you experienced violence in
15 August, and not in July, couldn't one reason for that be that
16 in August you were standing in the middle of a roadway blocking
17 the roadway, but in July you didn't do that? Couldn't that be
18 a reason?

19 A I mean, I don't think that standing in the road is like an
20 invitation to be attacked, but I think that one could say that,
21 yes.

22 Q So you testified that you saw time and time again people
23 creating a barricade across Market Street and protesters
24 pushing through the barricade. You saw that happen time and
25 time again, right?

D. Willis - Cross

1 A I saw that happen --

2 Q And after you saw that happen, you got up and blocked
3 Market Street, didn't you?

4 A I don't know the exact, like, chronology, right? Like the
5 video, the one that you know that I took, that seems to be
6 earlier in the day.

7 Q And you're saying you did not, after seeing that happen
8 time and time again, you did not expect that it would happen to
9 you when you did it?

10 A I don't know if I -- I don't know if I expected it or not.
11 I just know that each time I had the right to stand in the
12 street with my friends.

13 Q You thought you had the right because the police didn't do
14 anything about it, right?

15 A I don't think that had anything to do with how I
16 experienced the right to stand in the street.

17 Q Have you ever in your life stood across a public roadway
18 with your friends linking arms before?

19 A Before this incident, I don't think so.

20 Q So why would you think that you had a right to do that?

21 A Because that was a meaningful way of peacefully
22 counter-demonstrating what was happening in the park.

23 Q When you say you had a right to do that, you mean you
24 thought it was legal for you to be doing that?

25 A Yes. It was a pedestrian roadway. We were pedestrians.

D. Willis - Cross

1 Q When you went to the August 12th rally that morning, did
2 you plan to stand across the roadway to obstruct traffic on
3 that road?

4 A No. That was impromptu.

5 Q Similar to the "no racist police" chant, sometimes you get
6 caught up in the moment?

7 A Yeah, the chants were also impromptu.

8 Q Sometimes when you are faced with an emotional situation,
9 you get caught up in the moment; isn't that right?

10 A No. I just think those were things I didn't plan for and
11 I joined in on in the moment, but it wasn't like I got caught
12 up in the moment necessarily. You know what I'm saying?
13 They're just things that weren't on the schedule for me, but
14 things that I took part in.

15 Q So it was like a spontaneous act on your part?

16 A Right.

17 Q Now, this will come across as a strange question, but
18 isn't it true that all of the protesters that you could see
19 that were arriving at the park for Unite the Right, all of the
20 protesters were white; isn't that right? Is that fair to say?

21 A To my memory, but I'm sure they weren't all white.

22 Q Do you there might have been some non-white protesters?

23 A Yeah, I think that's a possibility.

24 Q You don't recall seeing any of them?

25 A I don't recall.

D. Willis - Cross

1 Q Now, you weren't counter-protesting them because of their
2 race. You were counter-protesting them because of their
3 political beliefs; isn't that right?

4 A I was counter-protesting because of their message, yes.

5 MR. JONES: Thank you, sir. That's all the questions
6 I have.

7 THE WITNESS: Thank you.

8 MR. SPENCER: Would I be able to call up some of the
9 plaintiffs' evidence? Is it on this computer?

10 MS. KAPLAN: Well, your co-counsel knew how to do it
11 so maybe you should check with him.

12 MR. SPENCER: Could I borrow your computer?

13 It's just one.

14 CROSS-EXAMINATION

15 BY MR. SPENCER:

16 Q Good morning, Mr. Willis. Thank you for your testimony.

17 A Good morning.

18 Q You have said that you were a liberal arts guy at UVA, and
19 you studied political and social thought. Is that a program or
20 a major?

21 A It's a major, yeah.

22 Q It's a major. And did you graduate with that as your
23 major?

24 A Yes.

25 Q Good.

D. Willis - Cross

1 Could you give us an idea of some of the courses you took?

2 A Right. So some of the required courses before you apply
3 would be like modern political thought, which is like Western,
4 classical, like Aristotle and stuff. Other courses that would
5 have been -- pretty much all the politics courses are
6 recommended.

7 Q Did you study authors beyond ancient authors like
8 Aristotle? Was it -- was it more about contemporary thought or
9 were you doing the whole history of political thought?

10 A So the curriculum of the PST program is pretty broad. I'm
11 getting some feedback.

12 The curriculum for PST is really broad. Yeah, there's a
13 few classics in there, but we also read people like Nietzsche,
14 Isaiah Berlin. It's pretty broad. I couldn't even name --
15 Chimamanda Adichie -- I'm butchering her name.

16 Q Could you repeat that real quick?

17 A There's an author named Chimamanda, but I can't pronounce
18 her last name well.

19 Q Okay. What were some of the authors that you were
20 passionate about? I know as a student we're able to choose
21 which courses we take. So what struck you as important?

22 A Yeah. The Chimamanda Adichie book I remember had a big
23 impact on me. It talks about, like, Nigeria during its civil
24 war in the '60s. I remember I really enjoyed the Isaiah Berlin
25 element of the curriculum. He's like a philosopher and he

D. Willis - Cross

1 writes about monism versus -- wait, monistic versus -- I'm
2 butchering it now. It's been a while. But he writes about
3 philosophy. People like that.

4 Q Isaiah Berlin, he's a liberal thinker, classical liberal
5 thinker; is that fair to say?

6 A I don't know where you'd put him on the spectrum,
7 actually. I'm not sure.

8 Q Was free speech an important right for Isaiah Berlin?

9 A I believe so.

10 Q Is there anyone else? Is the book that you were referring
11 to, is that *Things Fall Apart*?

12 A No. No. No. The book's called *Half of a Yellow Sun*.
13 Also, I'm remembering that what I liked about -- this is not
14 important, but what I liked about Isaiah Berlin is he seemed
15 very critical in both directions, actually. Something I
16 remember about his work.

17 Q What do you mean by that, "critical in both directions"?

18 A Like, he's like a pretty relentless intellect. I think
19 that, like, he could make critiques of the left and the right.

20 Q I agree. Was free speech something that he held sacred?

21 A I believe so, yeah.

22 Q Okay. You were a member of the Black Student Alliance?

23 A That's correct.

24 Q Were you a member of that group throughout your time at
25 UVA?

D. Willis - Cross

1 A No. It was something that I didn't stick with later on in
2 my college career.

3 Q Okay. But you were a member of that group during the
4 events that are in question here?

5 A Yes.

6 Q Okay. You testified that there is no racially exclusive
7 aspect to the Black Student Alliance. So it might be strange
8 to ask, but could I join?

9 A If you -- if you wanted to, yeah.

10 Q Okay. So --

11 A While you were a UVA student.

12 Q Right. Did many -- could you give a rough makeup of the
13 Black Student Alliance in terms of demographics?

14 A Sure. So we don't have a lot of card-carrying members
15 because I think dues are not very strictly enforced. But I
16 will say that, like, the executive boards, at least while I was
17 there, were mostly black students. But like, the attendees of
18 our events were almost always really diverse, right? So you
19 had all kind of people who would come to the events that we put
20 on.

21 Q So is it fair to say that the Black Student Alliance, it
22 was about identity as a kind of general term? It wasn't
23 racially exclusive but it was about black identity?

24 A Yeah, I think it's a group that celebrates black identity,
25 for sure. But membership was not exclusive.

D. Willis - Cross

1 Q Is there a white student alliance on campus?

2 A Not to my knowledge.

3 Q Okay. What would you think about such a group?

4 A I don't know what I'd think about it. I've never seen
5 anything like that. I guess it just depends on what they were
6 up to.

7 Q Okay. So it would be about the politics of the group?

8 A Right.

9 Q How would you define the Black Student Alliance's
10 politics?

11 A Its politics?

12 Q Uh-huh.

13 A I think the actual political activity they've done is
14 almost always concentrated on making the University of Virginia
15 a better place for black students. And like, I think the
16 biggest item historically has been just increasing the number
17 of black students who are admitted to the university on an
18 annual basis. So it's things like that that are pretty
19 practical.

20 Q So supporting affirmative action, roughly, that was one of
21 the central goals?

22 A Yeah, I think among other things, sure.

23 Q Okay. I want to go to July 8th. This was a rally at
24 which I was not present or I don't think anyone here was
25 present. Could you remind us why you -- why would you go to a

D. Willis - Cross

1 Klan rally?

2 A Right. To exercise free speech right.

3 Q Okay.

4 A Well, one, I told you I was in a lot of disbelief that it
5 was actually taking place. I hadn't seen anything like that up
6 to that moment in my life. So I wanted to, like, you know, go
7 see it for myself. And then I also wanted to, you know, say my
8 piece and say that I don't stand for this, from a peaceful
9 distance, of course.

10 Q That sounds good.

11 A Yeah.

12 Q On multiple times during your testimony on Friday you
13 described it as gross?

14 A Uh-huh.

15 Q Is that fair? Would you like to remind us of your
16 feeling? Gross, you mentioned a few times. That stuck out to
17 me. Is that how you felt?

18 A That's the word I used. That's how I felt, yeah.

19 Q Okay. Why would you go to something that's gross?

20 A Well, if you hear something that you are opposed to is
21 taking place, and you can't believe that it's really taking
22 place -- like I said, I've never seen robed-up Klans members
23 before. Wanting to go -- you know, it's kind of like being
24 thorough. It's like okay, well, let me go see, right?

25 Q Okay. Were you a bit fascinated by something that's

D. Willis - Cross

1 gross?

2 A For sure, yeah. In part. But more so disturbed.

3 Q Okay. I want to move ahead to the Unite the Right event
4 in August. And I want to dwell a bit on evidence --
5 plaintiffs' evidence 3261 that we read.

6 A The media advisory.

7 MS. KAPLAN: Is that the document?

8 MR. SPENCER: Yes. That's on the screen. Good.

9 BY MR. SPENCER:

10 Q So Peoples Action for Racial Justice, could you remind me,
11 was this an organization that was created just for the Unite
12 the Right event or was this an organization that stretched out
13 longer?

14 A If I'm not mistaken, it was ad hoc and it only existed for
15 the purposes of the McGuffey Park permit.

16 Q Okay. And so you have testified that you edited this
17 missive. You didn't write it yourself.

18 A That's my understanding -- I believe, yeah.

19 Q Did you approve it, or of it?

20 A Yeah, I think so. I approved of it, yes.

21 Q You approved it. Okay. I would like to go to the
22 paragraph that begins with "organizer Walt" and then there is a
23 redacted last name. Could you read that paragraph for us?

24 A The entire paragraph?

25 Q Yes, please.

D. Willis - Cross

1 A Yeah, if you like. "Organizer Walt [redacted] said white
2 supremacy happens all the time. It is the rule, not the
3 exception. If the people of Charlottesville and the nation are
4 waiting for the right moment to organize for a racially just
5 and truly multicultural society, this is the moment to become
6 focused. This is not about statues, it's about statutes. The
7 PARJ will focus on what" -- it's a bit blurry --

8 Q I can help you, if you want me to.

9 A Okay.

10 Q "Focus on what" --

11 A Oh, yeah, yeah. I'll carry on. Thank you.

12 "The PARJ will focus on what citizens can do going forward
13 on August 13th to build a stronger community based on the
14 principles of racial harmony and justice."

15 Q Okay. So white supremacy happens all the time. It is the
16 rule, not the exception. Do you believe that we live in a
17 white supremacist society?

18 A I think we live in a really complicated society, but --
19 and there's lots of white supremacy present in it.

20 Q But it is the rule, and not the exception?

21 A I think those are Walt's words, and I think that he kind
22 of meant it as a turn of phrase just to capture the magnitude
23 of how often it can take place.

24 Q Is there white supremacy at the University of Virginia?

25 A I think white supremacist things have happened at the

D. Willis - Cross

1 University of Virginia.

2 Q They have happened in the past?

3 A Yes.

4 Q Or is their legacy still remaining at UVA?

5 A Yeah. It's another -- yeah. Same as the country. Same
6 as the society. It's complicated. And UVA has struggled with
7 its past.

8 Q Uh-huh.

9 You go on to say, "this is not about" -- or excuse me.
10 Walt goes on to say, "this is not about statues." So is it
11 fair to say that this was a group that had expansive ideals?

12 A I think that when he's saying this is not about statues,
13 my understanding is that he's referring to Unite the Right's
14 organizers and those people. Like it's not about statues for
15 that group of people.

16 Q It says "this is a moment to become focused. This is not
17 about statues."

18 I presume the "this" is referring to the moment.

19 A You might be right. I'm really not sure. These are
20 Walt's words.

21 Q That's fair. They're Walt's words, but I am curious about
22 what he's saying. "This is the right moment to organize for a
23 racially just and truly multicultural society." Does that
24 strike you as expansive, well beyond the statues?

25 A Organizing for -- it's multicultural -- for a racially

D. Willis - Cross

1 just and multicultural society. I think that's a motivation
2 for, like, a lot of people, yeah. That's why you think
3 standing up against hate in public is important, because it
4 says that you value these other things that are --

5 Q Okay.

6 A -- better.

7 Q Does that include protesting the police?

8 A I think to some people it does.

9 Q Does that include protesting the university itself?

10 A I think to some people it does.

11 Q Okay. I'd like to go to August 11th.

12 And perhaps you could remind me. You were attending a
13 dinner at a professor's house?

14 A Yes.

15 Q And someone broke in -- those were your words -- and
16 announced that something was happening.

17 Could you remind me of what happened there?

18 A Yeah, I'm not sure if you're quoting me directly, but
19 yeah, somebody came in.

20 Q I didn't mean break in as in a criminal thing. I meant
21 kind of broke into the room, is what you said.

22 A Sure. Somebody came in and let some people know that they
23 had heard that Jason Kessler and a handful of people are going
24 to, you know, give a speech or something somewhere on UVA
25 grounds.

D. Willis - Cross

1 Q How did they hear about it?

2 A I really don't know. I don't know who the person was.

3 Q Did they know something about where it would be?

4 A I don't know if it was, like, their guess or if someone
5 had told them or what it was.

6 Q Okay. Their guess?

7 A I heard this information very much secondhand from the
8 people who I knew well.

9 Q Okay. Why did you decide to go and attend it?

10 A A couple of reasons.

11 I think that what stood out to me in the moment was that
12 all my friends had their mind made up about going. You know,
13 who wants to be the odd friend out?

14 Two, I noticed that, like, it was a -- so Jason Kessler
15 was having this rally, and he's doing it on UVA grounds, as
16 opposed to the City of Charlottesville or any other place, and
17 he's not a student anymore. I don't know if he ever was. And
18 so it just felt like it was my business, because I was a
19 tuition-paying student at the time, and they could have done
20 this literally anywhere else.

21 Q See, you mentioned that, a "tuition-paying student," on
22 Friday.

23 A Yes.

24 Q And you -- do you -- as a tuition-paying student, do you
25 have a right to determine the curriculum of the University or

D. Willis - Cross

1 what's said at the University?

2 A No -- well, I'm not sure. I'm not sure what my rights are
3 about determining the curriculum of the University. I think
4 students should have an input about that kind of a thing, but I
5 think my point really is more about just the fact that, like, I
6 think that the students at the University in the moment should
7 get to decide what the narrative about the University is.

8 And if people who are not students are coming to say
9 racist and vitriolic things on the campus, then that's unfair
10 to the students who literally live on the campus, and in this
11 case literally live on the Lawn, to not be included in that
12 narrative, like, getting to say what the school represents or
13 whatever.

14 Do you get my point?

15 Q Yes. Is the fact -- I do get it.

16 Is the fact that some people weren't students, is that an
17 essential matter to any of this?

18 I mean, if a student were to participate in a rally for
19 something you disagreed with, would that actually change the
20 matter?

21 A Could you rephrase the question?

22 Q Sure. Is the fact that Jason Kessler was not currently a
23 student at UVA, was that an essential matter in your
24 decision-making?

25 A I do think it was a factor.

D. Willis - Cross

1 Q It was a factor?

2 A Just relative to the fact that there are students who very
3 much were in town and were occupying -- yeah, like, who are
4 inhabiting that space who probably --

5 Q If a first-year UVA student, you know, tuition-paying UVA
6 student, wanted to hold a torch rally, would you have a
7 different opinion?

8 A I'd probably be pretty confused, but -- it depends what
9 the rally was about.

10 Q Well, I mean, a rally like Unite the Right.

11 A Yeah, I'm not sure.

12 Q You're not sure?

13 A Yeah, I think that, like, students have protests all the
14 time. Undergrad students have protests all the time, and that
15 is a normal thing. It's not that common for older people who
16 are not students anymore to return to the University to have a
17 torchlit rally.

18 So I think, in your hypothetical, the first year is a
19 little less strange to me, although the tiki torch part is a
20 little --

21 Q I get that.

22 A Yeah.

23 Q I mean, are you sure that -- withdrawn.

24 The fact that it wasn't a student played a major part in
25 your decision to counter-protest?

D. Willis - Cross

1 A Well, I said it was the second reason.

2 Q Okay. Fair enough.

3 So who made the banner?

4 A Some people there.

5 Q Some people who were with you at the house?

6 A Yes. Yeah.

7 Q At the dinner? Okay.

8 Did you make it?

9 A I don't know. I very well could have helped paint a
10 letter or something, but I don't remember if I had any
11 authorship on the banner. But people who were there made it,
12 for sure.

13 Q Do you remember what it said?

14 A I think it says "Virginia students act against white
15 supremacy."

16 Q So you were referring -- were you referring to the white
17 supremacy in the society in the University itself, as you've
18 testified?

19 A Well, I think that they made the banner in anticipation of
20 Unite the Right the next day. So I think that in this case
21 it's referring to the rally-goers.

22 Q How did you make your way down to the base of the
23 Jefferson statue?

24 A I rode in a car and then I walked.

25 Q Okay. Why did you -- how and why did you choose to go to

D. Willis - Cross

1 the base of the Jefferson statue?

2 A I actually don't know. I was really more so following
3 other students who, you know, seemed a little more confident
4 about what we were doing. And I remember that -- yeah, that
5 answers your question. I was following other students.

6 Q So did they have direct knowledge of the logistical map of
7 the torchlight rally?

8 A I don't know, and I don't think so.

9 Q You don't think so. Well, why did you choose the
10 Jefferson statue? Why go there?

11 A I think that you guys are well-known for liking statues,
12 but also, I'm not sure if -- like, at least my understanding
13 and my recollection of the night is that, like, we go to the
14 statue and you all come to us. Like, I don't think it was --
15 I'm not sure what your question is getting at, but I think --

16 Q So the torchlight rally went to you?

17 MS. KAPLAN: Excuse me. Your Honor, he can't
18 interrupt the answers. Mr. Spencer is interrupting Mr. Willis'
19 answers. He should just let him finish answering and then he
20 can ask another question.

21 THE COURT: All right.

22 THE WITNESS: Thank you.

23 Could you repeat your question, Mr. Spencer? I want
24 to make sure I'm answering it.

25 BY MR. SPENCER:

D. Willis - Cross

1 Q Yes. So are you claiming that the torchlight rally went
2 to you?

3 A I'm claiming that I did not have advance knowledge of the
4 route that was intended for your torchlight rally. And so I
5 went to the Jefferson statue with some friends, and then people
6 came over the Rotunda, and they came with torches, and
7 surrounded us.

8 Q Did you and your friends assume that the torchlight rally
9 would end up at the Jefferson statue?

10 A I don't know. I really don't know. But I know that I
11 didn't think that.

12 Q Why were you there, then?

13 A I was there with my friends. I was there supporting my
14 friends. And I thought that, like -- I'm pretty sure I
15 testified to this on Friday -- I was expecting a very kind of
16 token-level demonstration. It's like, wherever Jason Kessler
17 and his handful of nationalists, his crew, wherever they're
18 having their hateful rally, we would probably just go there,
19 wave a sign, chant our songs, and that's it. It wasn't --

20 Q So wherever Jason Kessler is, you'd be there, if he were
21 engaging in some kind of demonstration?

22 A On the grounds, I think, that night, that would be fair.

23 Q When you first arrived at that statue, was anyone there
24 besides your group?

25 A There were other people there, but I don't know who they

D. Willis - Cross

1 are.

2 Q Were they protesters?

3 A I'm not sure what they were doing. That was actually very
4 confusing to me at the time. I just remember that, yeah, there
5 were, like, a few people kind of like hanging out.

6 Q Were they just hanging out? I mean, it's a public place;
7 were they just hanging out?

8 A Exactly. It was unclear whether or not -- if they had
9 just been passing by or, like, what.

10 Q How long did you wait at the base of the Jefferson statue?

11 A It was a very brief amount of time. I don't remember the
12 exact minutes, but it was not long.

13 Q Is five minutes fair?

14 A I don't know.

15 Q Ten minutes?

16 A I would hate to put a number. But, like -- it was so
17 brief, you know?

18 Q Okay. Did you begin chanting before the torchlight rally
19 or march arrived at the statue?

20 A No, I don't think so. I think the chants began after we
21 had been approached.

22 Q But did you establish yourself at the base of the statue?

23 A We were in the process of trying to establish ourselves.

24 So I remember one thing that was particularly awful about the
25 whole thing was that we didn't have enough people to form the

D. Willis - Cross

1 ring around the base of the statue. So we were trying to focus
2 on dealing with that before we were surrounded.

3 Q You didn't have enough people?

4 A We didn't have enough people.

5 Q So you were in a kind of counter-protesting group, and you
6 didn't have enough of your colleagues surrounding; is that what
7 you're saying?

8 A I think so. I don't know if it was that other people --
9 yeah, that's what I'm saying. I don't know if it was because,
10 you know, people that I had come with were on the fence about
11 joining, but I just do know that I was -- I could hear them
12 talking about it on the other side. It's like, oh, we don't
13 have enough, we don't have enough, we don't have enough.

14 Q Have enough for what?

15 A To form a ring of people holding hands at the base of the
16 statue.

17 Q How many people were in reserve for this counter-protest?
18 You didn't have enough of them. How many people were in
19 reserve that you could have gotten out there?

20 A I don't get what you mean by "in reserve."

21 Q Well, I mean, who could you have called or, you know,
22 marshaled over to take part in your counter-protest?

23 A I don't know. Probably other students or -- like, that's
24 what I'm saying. I don't know if there were other students who
25 were idling nearby who were on the fence about whether they

D. Willis - Cross

1 were going to do it or not. I don't know what the deal was.
2 It didn't happen on my side of the statue.

3 THE COURT: Mr. Spencer, we'll take a recess now for
4 about 20 minutes.

5 **(Jury out, 10:36 a.m.)**

6 (Recess.)

7 THE COURT: Call the jury.

8 MS. KAPLAN: Your Honor, Ms. Conlon was here a minute
9 ago and I turned around and turned back and she's not. I sent
10 Mr. Bloch to go get her. I apologize.

11 THE COURT: Okay.

12 **(Jury in, 11:02 a.m.)**

13 THE COURT: Everybody be seated. Are you ready to
14 go?

15 BY MR. SPENCER:

16 Q Hello again.

17 A Hello.

18 Q So you and your friends walked to the base of the
19 Jefferson statue. Can you still not recall who was leading
20 that walk?

21 A Absolutely, my fellow students.

22 Q Your fellow students. Was there anyone who had better
23 knowledge of the situation that knew to go to the Jefferson
24 statue?

25 A I think there were older students who had a better

D. Willis - Cross

1 knowledge of who Jason Kessler is and things like that, but,
2 there was no leader and there was nobody who seemed to have the
3 master plan or something.

4 Q But you all were in total agreement to go to the base of
5 the Jefferson statue?

6 A It was kind of like follow. I was following.

7 Q Who was leading?

8 A A group of people. There wasn't like a clear leader or
9 anything like that. It was kind of like -- I really can't
10 remember who was like, we need to -- I think it was like our
11 other friends were coming from somewhere else. I'm not sure
12 where they were coming from. And they had arrived on the
13 statue side of the Lawn and so we were going to meet them
14 there.

15 Q Okay. Who started the chant, "no Nazis, no KKK, no
16 fascist USA"?

17 A I don't recall.

18 Q Was that the main chant?

19 A I don't think it was the main chant. It was one of
20 several.

21 Q What were some of the others?

22 A "Black lives matter" was one of them.

23 Q Okay. And you started chanting these right away?

24 A I believe so.

25 Q Okay. So before the torchlight rally came to you?

D. Willis - Cross

1 A No. No.

2 Q Okay.

3 A So we began our songs when we were beset upon by the tiki
4 torches.

5 Q Okay. Were you aware of myself, Richard Spencer, before
6 the torchlight rally?

7 A I was aware of you.

8 Q How did you become aware of me?

9 A I think I had seen an article of you at UT Austin or
10 something like that. I heard you were the leader of the
11 alt-right. Or some school.

12 Q Texas A&M? Does that ring a bell?

13 A Yeah, something like that.

14 Q Did you happen to see me that night?

15 A I wouldn't have known your face well enough to identify
16 whether or not I had saw you.

17 Q Okay.

18 A But I have since looked at pictures and videos and I've
19 seen you there. So I'm sure that you walked in my line of
20 sight. I just didn't know who you were at the time.

21 Q Okay. And being that I'm here now, so you can recognize
22 me -- I look more or less like I did then -- did you recall
23 seeing me?

24 A My memory is not that strong. I couldn't tell you if you
25 were one of the hundreds of faces, you know.

D. Willis - Cross

1 Q Okay. You mentioned in your testimony that you were
2 afraid of doxing. Can you just remind us what that is?

3 A Doxing is when people who have some issue with you take a
4 picture of your face or a video of your face, and either put
5 that on the Internet or they post, you know, your full name,
6 your address, other compromising information. And the
7 objective is to intimidate you, either with plausible threats
8 or unplausible threats. It's just very unnerving to have your
9 name and address published on the Internet.

10 Q I agree with that. Is attending a counter-protest a good
11 way of avoiding doxing?

12 A I'm not sure. It just depends on the character of the
13 people who are on the other side, if they're the type to try to
14 dox people. Which not everybody is.

15 Q When you attended the torchlight rally as a
16 counter-protester, and the next day when you gave a speech in a
17 public park, did you expect there to be some social media
18 around, maybe photos or tweets or live streams even?

19 A I think everything kind of ends up on social media these
20 days, but it wasn't on the top of my mind, expecting those to
21 be recorded necessarily. I gave the speech in person, you
22 know.

23 Q Right. But you just said social media is everywhere now.

24 A Exactly. Yeah.

25 Q Okay. Did you cover your face at any time?

D. Willis - Cross

1 A Not during -- well, I covered my face when I was being
2 pepper-sprayed on the 12th, but at the park I did not cover my
3 face.

4 Q Yeah, and what I mean by that is to wear a mask or
5 something --

6 A Yeah, I did not.

7 Q -- to obscure your visage.

8 A No.

9 MS. KAPLAN: I'm just going to remind the witness to
10 let him finish the question, and then answer. This is not a
11 conversation. It's question and answer.

12 THE WITNESS: Thank you, yes.

13 BY MR. SPENCER:

14 Q So you reasonably expected your face to get out there on
15 social media?

16 A I don't think that I was thinking about that at the time.

17 Q Well, you weren't -- okay. When someone gives a public
18 speech in a public park, knowing that we live in a social media
19 age, is it reasonable to assume that your face and voice and
20 maybe name is going to get out there?

21 A That is reasonable to assume.

22 Q Okay. So you weren't really that afraid of doxing?

23 A I think the audience of the speech that I gave on the
24 morning of the 12th was different than the audience of people
25 who I was worried about doxing me on the evening of the 11th.

D. Willis - Cross

1 Does that make sense?

2 So on the morning of the 12th when I'm giving a speech to
3 people that share my views in a park that's permitted, I wasn't
4 worried about doxing. But on the evening of the 11th when I
5 was surrounded by tiki torches, I was worried about doxing.

6 Q But if it's on social media, it's in the public domain.
7 So it's out there. It's not like you can control who sees
8 something on social media, right?

9 A I think that's true, yeah.

10 Q Okay. So you weren't really that afraid of doxing?

11 A I disagree with that because I think the point is that in
12 both instances I didn't have any control over who is recording
13 me. In just one instance it made more sense to be afraid than
14 the other about who was recording and also what corners of
15 social media it may end up on.

16 Q Okay. You testified on Friday that at one point you --
17 when the full scale of the torchlight march was clear to you,
18 that you said -- in your words, "I'm ready to go"?

19 A I said that, yes.

20 Q Right. So you wanted to leave the base of the statue?

21 A Once I realized that the situation seemed life-threatening
22 and I felt -- yeah, I was nervous. I was terrified because I
23 thought, like, okay, I don't -- I'm not even sure if we can
24 leave and I want to leave. And I don't want to see anybody get
25 hurt. So yeah, I said, "I'm ready to go."

D. Willis - Cross

1 Q And so you also testified that you saw a lot of fisticuffs
2 and pushing and kicking? Those were actually your words?

3 A Yes. Well, I didn't say "fisticuffs."

4 Q No, that was my word. But you said --

5 A Yeah, I saw a lot of -- I saw some fights.

6 Q Kicking and punching is what you said?

7 A Yeah.

8 Q Do you think you could have reasonably run off?

9 A No, I don't think I could have.

10 Q Okay. You also testified that, in your words, that after
11 there were some shoving and fisticuffs type stuff, that you
12 went back to, in your words, lick our wounds?

13 A We didn't go back to the statue. We walked to a space a
14 little away.

15 Q That's what I meant.

16 A Yeah.

17 Q So you went off somewhere to lick your wounds?

18 A Yes.

19 Q And you felt that, in your words, watching someone
20 celebrate -- and I didn't quite hear what you said, but I think
21 you said was discouraging?

22 A Yes.

23 Q Watching someone celebrate was discouraging?

24 A Watching white nationalists celebrate -- what your
25 celebration meant in that moment was discouraging to me, yes.

D. Willis - Cross

1 Q You also had someone who poured milk in your eyes.

2 A Not in my eyes.

3 Q Not in your eyes, but you saw that happening?

4 A Yeah, yeah. So licking my wounds was a phrase of saying
5 we were doing basic first aid, checking on everyone, breathing,
6 flushing your eyes. People were pouring milk on their eyes,
7 yes.

8 Q So did you have some people in your group who acted kind
9 of like medics?

10 A I think there was people in my group who knew first aid,
11 yes.

12 Q And they were pouring milk in people's eyes?

13 A Yes.

14 Q Yeah. Licking your wounds?

15 A Yes.

16 Q Did you feel like you were backing down from a fight?

17 A No. I felt like I had just been attacked and driven off
18 of the statue, and that that was like, in my 18-year-old
19 imagination, somehow embarrassing, but nothing -- that's pretty
20 much how I felt, you know, like --

21 Q So it was embarrassing?

22 A Yeah, but I think I was wrong about that. You know, like,
23 I felt like we had come to, like I said, make this symbolic
24 gesture on the statue and stand up for these students who
25 weren't here and whose narrative about what it means to go to

D. Willis - Cross

1 UVA was being taken from them. You know, all these things, and
2 I felt like we had failed. We had not successfully out-chanted
3 and out-shouted you guys. And I think that was like a naive
4 thing for me to feel, but that's what I mean when I say
5 embarrassed.

6 Q Okay. After you licked your wounds did you return to the
7 base of the statue?

8 A No, I did not.

9 Q I want to now move to August 12th. You testified in your
10 words, "What we're doing is more important than ever."

11 A Are those my words?

12 Q Yes.

13 A In my testimony on Friday?

14 Q Yeah, your testimony on Friday, yes.

15 A Yeah.

16 Q So you concluded that after the Friday night torchlight
17 rally?

18 A Yes.

19 Q You just had to go back out there?

20 A That's not what I meant. I think I meant that because
21 my -- my preconception about Unite the Right being a peaceful
22 sequel to July the 8th was -- that idea was utterly proven
23 wrong the evening before. That meant that my -- you know, my
24 responsibility to administer -- help administer what was
25 happening at McGuffey Park became more important because it was

D. Willis - Cross

1 something that could help keep people safe.

2 Q Well, I mean, if there were fisticuffs and pushing and
3 shoving, why would you go back to the protest?

4 A I talked about it in my testimony on Friday, like I had
5 responsibilities and I thought that I could do more good by
6 going and helping administer a safe space than by staying home
7 and --

8 Q You had -- I'm sorry.

9 MS. KAPLAN: Objection.

10 BY MR. SPENCER:

11 Q I'm sorry. You can finish if you like. I'm sorry.

12 A Thank you. Yes, so my motivation for going out the next
13 day, like, definitely I was a little concerned and shaken up by
14 what happened the night before, but I also was, one, young and,
15 you know, not as cautious and as risk averse as I am now. And
16 two, I had a responsibility at McGuffey Park to help administer
17 a safe space, and that seemed like a really important thing to
18 do after I saw how violent that group could be.

19 Q So after you saw how violent it was, you felt a
20 responsibility to go out there and administer a safe space?

21 A To help --

22 Q Your zone?

23 A To help run a safe space, I did feel like that was an
24 important thing to do that day.

25 Q So after you licked your wounds, you woke up at 5:30 a.m.?

D. Willis - Cross

1 A About 5:30, sure.

2 Q That's what you -- yeah, that's what you --

3 A It was really early. I think it was 5:30.

4 Q You claimed that you were able to shrug off what happened
5 the day before?

6 A No. I mean --

7 Q Those were your words.

8 MS. CONLON: Objection, Your Honor. If Mr. Spencer
9 is going to quote, it would be helpful to have a page number
10 and a line, since some of these don't seem to be direct.

11 THE COURT: Take your mask off when you speak.

12 MS. CONLON: I apologize. If Mr. Spencer is going to
13 quote from testimony, it would be helpful to have a page and
14 line number. I'm just asking, Your Honor.

15 THE COURT: He's asking him about yesterday's
16 testimony?

17 MR. SPENCER: Friday's.

18 MS. CONLON: Friday's testimony, and he's telling the
19 witness quotes that he's saying the witness said. We're trying
20 to follow along, so I was just asking if we could have a
21 page --

22 THE COURT: It would be helpful, but I don't know how
23 practical -- if you don't recall making such a statement, say
24 so.

25 THE WITNESS: Thank you, yeah.

D. Willis - Cross

1 THE COURT: And I don't know whether you have a
2 transcript or he's asking from notes.

3 MR. SPENCER: I'm going from notes, but I take
4 detailed notes.

5 BY MR. SPENCER:

6 Q My recollection is you said you shrugged off what
7 happened; is that a fair thing to say?

8 A I know I probably said something to the effect of I was
9 numb and in shock, which, you know, made it seem like -- yeah,
10 I was surprisingly numb and in shock and chose to keep moving,
11 you know.

12 Q And you were able to wake up at the wee hours of the
13 morning?

14 A I was able to wake up at 5:30, yes.

15 Q You were ready to go back out there?

16 A I was ready to go do my job.

17 Q And your job was to establish a safe space?

18 A Yeah. I had been on the committee for the PARJ. It was a
19 project that I had worked on. I wanted to see it through. And
20 yeah, I had already given my word that I would come and help
21 out with like water bottles, set up folding tables, that kind
22 of thing. So in that context it would be really inappropriate
23 for me to just bail on what I said I would do.

24 Q During the events of August 12th, on Friday you testified
25 to a chant -- and you can correct me if I'm wrong, but "the

D. Willis - Cross

1 people united will never be divided"; is that right?

2 A Yes.

3 Q Another chant was "shut it down, don't back down."

4 A Yes.

5 Q Okay. What does "shut it down" mean?

6 A Like I said, it's a chant, so it might have meant
7 different things to people, but to me I was referring to the
8 park and the demonstration. Your demonstration, your rally.

9 Q You wanted to shut it down?

10 A I thought it would have been appropriate for someone like
11 the police to come and stop, take the permit away or
12 something --

13 Q You wanted the racist police to shut down the Unite the
14 Right rally?

15 A I didn't say the police were racist.

16 Q Okay. But you wanted the police department to shut down a
17 rally?

18 A Yes, whose -- I wanted the police to shut down a rally
19 whose organizers had demonstrated that they had violent
20 intentions the evening beforehand. That was something that
21 18-year-old Devin thought shouldn't be happening.

22 Q "Don't back down." What is that about?

23 A To me, that just meant don't be intimidated.

24 Q Don't be intimidated?

25 A Yeah, by white nationalists.

D. Willis - Cross

1 Q So you can lick your wounds and go back out?

2 A I'm not even sure it meant to me; it probably was more
3 applicable to who I was telling to shut it down, which would be
4 like the police and like, older authorities.

5 Q So you didn't want the police to back down?

6 A Yeah, like, be tough on people who've demonstrated that
7 they've been violent.

8 Q Be tough on people. Okay.

9 Another chant that I just mentioned a few moments ago,
10 "the people united will never be divided."

11 A Yes.

12 Q Could you explain that?

13 A I'm not sure which part you want me to explain.

14 Q Well, we can go through all of it. The people, who is the
15 people?

16 A Like all people. The people.

17 Q All people?

18 A Yes.

19 Q Okay. And united, what does that mean exactly?

20 A I think it means together in community.

21 Q Okay. Is there a political component to that? United,
22 kind of like the United States of America? United in what?
23 Community -- united in what, is my question?

24 A I think that's kind of the beauty of the phrase, is that,
25 like, it applies to different scenarios and people use it for

D. Willis - Cross

1 different things. So I can't, like -- I don't want to pick
2 just one thing. I think it just means people are stronger when
3 they work together.

4 Q "Will never be divided."

5 A Yes.

6 Q So what if someone wants to be divided?

7 MS. CONLON: Objection, Your Honor. It's
8 speculation. And we have been belaboring this now for a few
9 minutes.

10 THE COURT: Well, he can tell what he -- he was
11 shouting a slogan. He can tell what he meant.

12 MR. SMITH: Your Honor --

13 MS. CONLON: I just mean questions about what other
14 people meant.

15 MR. SPENCER: I didn't ask any questions about what
16 other people meant.

17 THE COURT: Nothing between the lawyers.

18 MR. SPENCER: Okay. Sorry.

19 BY MR. SPENCER:

20 Q "Will never be divided." What did that mean to you?

21 A I think it meant that, like, people are better versions of
22 themselves and they are stronger as a community when they are
23 in community together. And so like, you know, letting --
24 letting things divide people is more often than not not very
25 good. That's all I meant.

D. Willis - Cross

1 I think it was really a celebration of all the people who
2 had come out to counter-protest against what Unite the Right
3 stood for. It was a beautiful thing to me.

4 Q Okay. So it was directed at the other counter-protesters?

5 A I think it was -- had more to do with us. Yeah, exactly,
6 directed at the other counter-protesters, yes, that's correct.

7 Q Okay. On Friday, I'm sure you remember -- this is the
8 plaintiffs' Exhibit 3263. I'm not sure I even need to show it,
9 but I guess I could.

10 3263, do you have that?

11 You don't have it? Okay.

12 I'll remind you what that was. You can look at that in
13 your binder, if you'd like. You don't have the binder up
14 there? Okay.

15 It's a picture of you holding a sign that has a clenched
16 fist.

17 A Uh-huh.

18 Q And you testified that you made that sign.

19 A Yes.

20 Q Well, what was that about?

21 A I think the clenched fist means different things to
22 different groups, but I used it because it hearkens back to the
23 civil rights movement.

24 Q The clenched fist hearkens back to the civil rights
25 movement?

D. Willis - Cross

1 A Yes.

2 Q But you said it could mean different things to different
3 people. So what else could a clenched fist mean?

4 A I don't know. So many things. Yeah, a lot of things.
5 I'm not sure. A lot of movements have tried to use the fist,
6 but I think it's -- in my understanding was that it's most
7 famously associated with the civil rights movement. That was
8 my intention when I used it. Other BSA activist student people
9 have used it in the past.

10 Q Was it ever used by a black power movement?

11 A Black power movement used the fist before, yes.

12 Q Was it ever used by communists?

13 A I don't know, but probably.

14 Q But it could mean different things to different people?

15 A Yes.

16 Q So it could be kind of ambiguity is part of the intrigue
17 of it?

18 A No, I think the intrigue for me I said was the civil
19 rights movement.

20 Q For you.

21 A For me, yeah.

22 Q Do white nationalists have the right to hold a
23 demonstration?

24 A I think they have that right, yes.

25 Q Okay. But are they dividing a united community?

D. Willis - Cross

1 A Are they dividing a united community? I'm not sure. I
2 don't think so. I think that a lot of people who are white
3 nationalists are not in community with people who don't support
4 those views. So --

5 Q So the community doesn't include --

6 MS. KAPLAN: Mr. Spencer, again, he was answering a
7 question.

8 THE COURT: Did you finish your answer, Mr. Willis?

9 THE WITNESS: Thank you. So yeah, I'm just not -- I
10 don't think -- am I understanding the question correctly?
11 White nationalists, are they not dividing the community?

12 BY MR. SPENCER:

13 Q That was my question, yes.

14 A Okay. I think a lot of people would describe white
15 nationalists as divisive.

16 Q Are they -- are white nationalists part of the community?

17 A They are part of some communities, and -- yeah, there's
18 different communities. I don't know. I'm not sure how you --
19 I'm not sure how to answer the question. Like, I think that,
20 like, the community -- there isn't just one "the community,"
21 right?

22 Q Well, why would you say "the community" if there's more
23 than one?

24 A Like, I think it's kind of like -- like, how do I put
25 this? Yeah, I'm not trying to, like, go off in the weeds.

D. Willis - Cross

1 I think it's just, like, a semantics thing. "The people
2 united will never be divided" can and usually does imply all
3 people. But, like -- and it's about establishing community,
4 and the beauty and the importance of establishing that
5 community. That doesn't mean there aren't, like, obstacles to
6 building community or whatever it is.

7 So yes, it can be a true fact that white nationalists are
8 often divisive to communities, or some people find them
9 divisive. And, like, people who have that background or once
10 were white nationalists, it doesn't mean they can't be a part
11 of the community or a community. Like, there's so many
12 different ways to answer the question.

13 Q I'm not sure I caught all that, but if someone is dividing
14 the community, what are your responsibilities as a member of
15 the community?

16 A To try to get to the root of the issue and maybe resolve
17 whatever the misunderstanding is. That's, like, a good way to
18 build community.

19 Q By talking to people?

20 A Talking is definitely always really good -- not always,
21 but usually really good.

22 Q Not always?

23 A Like, I just mean that people -- no one is required to
24 listen to hate speech.

25 Q No one is required to listen to hate speech. Okay.

D. Willis - Cross

1 So what do you do if someone is engaging in, in your
2 words, hate speech?

3 A What do I do?

4 Q Uh-huh.

5 A It depends on the context. Interpersonally, I typically
6 avoid people like that, remove myself from the situation.

7 Q You didn't do that on the 11th and 12th?

8 A That wasn't interpersonal.

9 Q Well, there were people there?

10 A Yeah, but they were strangers. Like, you were a stranger
11 to me. The tiki torchers were strangers to me. You didn't --
12 excuse me. I didn't register the pepper spray and the
13 threatening and the violence as an interpersonal place to try
14 to have a conversation.

15 Q So did you feel that -- you've stated that you wanted to
16 establish a safe space on the 12th?

17 A Yes.

18 Q Would that include blocking people from traveling to a
19 permitted rally?

20 A I don't think so, but, like -- well, two things.

21 The first thing is that, like, the safe space was in
22 McGuffey Park, and I think the event you're referring to didn't
23 happen there.

24 And the second thing is that, like, I talked about my
25 objective having nothing to do with blocking people's entrance

D. Willis - Cross

1 to the park. It was more about making a symbolic gesture, and
2 that's why there was space left on the sidewalk for people to
3 go around us, and never mind the other possible entrances to
4 the park.

5 Q Were you trying to create a safe space around the
6 Jefferson statue on Friday night?

7 A I don't think so, no -- oh, wait, no, sorry. That was,
8 like, an interesting turn of phrase.

9 By "safe space" -- a safe space is a place that you invite
10 people to, to -- where they can experience a respite from
11 oppression X, Y, and Z, hate speech, those kinds of things, but
12 that doesn't mean I did not want August 11th and North Plaza
13 and Jefferson statue to be a peaceful encounter. I told you
14 that I went because I thought that it would be.

15 Q Did you want to protect that area around the Jefferson
16 statue?

17 A I don't think it was about protecting the area. I think
18 it was about making a statement. That's what demonstrations
19 and protests are about, is making a statement with your body,
20 peacefully.

21 Q Is Thomas Jefferson a white supremacist?

22 A Thomas Jefferson also has a really complex legacy and
23 history. I know that he owned slaves. I know that he's
24 somebody who -- there's a lot to say about Thomas Jefferson.

25 Q Well, you can feel free to say it.

D. Willis - Cross

1 A You asked me what I thought, if he was a white
2 supremacist. I told you I think that, you know, analyzing his
3 legacy and stuff is a complicated thing to do.

4 Q It's complicated. Could you give us an overview?

5 THE COURT: I think --

6 MR. SPENCER: Okay.

7 THE COURT: We're spending a lot of time on going
8 back to the statue and all that.

9 MR. SPENCER: Okay.

10 THE COURT: Can we move on?

11 MR. SPENCER: No further questions.

12 THE COURT: Thank you.

13 Any redirect? I'm sorry. Who's --

14 MR. SMITH: I believe Mr. Cantwell is next.

15 MR. CANTWELL: I'm next.

16 THE COURT: Okay.

17 MR. CANTWELL: Just a moment, Mr. Willis, please.

18 Do I need to do something to get the VGA on this
19 screen?

20 Oh, there we go. It's done. Excellent.

21 CROSS-EXAMINATION

22 BY MR. CANTWELL:

23 Q Mr. Willis, did you ever talk to a reporter named Michael
24 Bragg from *The Daily Progress*?

25 A Afternoon. I'm not sure.

D. Willis - Cross

1 Q I'm sorry. Could you say that again?

2 A I'm not sure if I spoke to Michael Bragg.

3 Q You're not sure if you spoke to Michael Bragg.

4 Do you read *The Daily Progress*?

5 A Not -- no. I'm aware of it, though.

6 Q You're aware of it?

7 A Yeah.

8 Q Do you know if you were quoted in an August 19th article
9 by Michael Bragg titled "Students who confronted torch-bearers
10 demand UVA take action"?

11 A I think so. Could I see it?

12 Q Maybe I could ask you -- I actually only have the one copy
13 here, sadly. Maybe I could ask you about some of the quotes in
14 there?

15 A Yeah, sure.

16 Q And we'll go from there.

17 A I'm pretty sure --

18 (Overlapping speakers.)

19 (Reporter clarification.)

20 THE WITNESS: Apologies.

21 MR. CANTWELL: Me too. Sorry.

22 BY MR. CANTWELL:

23 Q Do you know who Ian Ware is?

24 A Yes.

25 Q Did Ian Ware go with you to the Thomas Jefferson statue on

D. Willis - Cross

1 August 11th?

2 A I believe so.

3 Q Okay. Do you know if Ian Ware was watching livestreams of
4 the torch march before it came to you?

5 A I don't know.

6 Q You don't know?

7 A I don't know. I don't know if he was.

8 Q Did Ian Ware give you any information about the torch
9 march before the torch bearers arrived?

10 A I don't remember. I know that Ian was not in the car that
11 I took on the way there.

12 Q He wasn't in the car that you took?

13 A No.

14 Q Who was?

15 A Friends of mine.

16 Q Who were --

17 A Student friends.

18 Q I'm sorry. I didn't -- I apologize. I cut you off.

19 Finish your answer.

20 A Thank you.

21 Student friends of mine at the time.

22 Q Could you tell me the names of those students, please?

23 A I'm hesitant to name them. Some of them live here.

24 Q I was hesitant, too.

25 THE COURT: You have to name them.

D. Willis - Cross

1 THE WITNESS: I should say that?

2 MS. KAPLAN: Can we approach, Your Honor?

3 THE COURT: Okay.

4 (Sidebar.)

5 MS. KAPLAN: Your Honor, we've heard the testimony --
6 we've heard the testimony about doxing.

7 THE COURT: That doesn't make any difference. I
8 mean, he's going to come into court and he's going to -- he's
9 got to reveal it.

10 MS. KAPLAN: I'm not asking for -- I'm just telling
11 you, what he's saying is he's worried that his friends are
12 going to be doxed. Can we start with first names, at least?

13 THE COURT: I don't know where you're going with it,
14 but --

15 MS. KAPLAN: He wants to identify all the other
16 people there.

17 MR. SMITH: That's exactly what the plaintiffs have
18 wanted to do for a very long time.

19 THE COURT: All these other people that were there.

20 MS. KAPLAN: I'm okay. I'm just trying to explain to
21 Your Honor.

22 THE COURT: Overrule the objection. I think he's got
23 a right to ask.

24 (Sidebar concluded.)

25 BY MR. CANTWELL:

D. Willis - Cross

1 Q Could you tell me the names of the people in the car with
2 you?

3 A I only remember two of -- I only remember two people I was
4 in the car with. One is named -- like, I'm sorry, real
5 quickly --

6 THE WITNESS: Judge, do I have to say names now?

7 THE COURT: Yes. You have to -- this is your
8 lawsuit, and this is information that they have a right to ask.

9 THE WITNESS: I just wanted to know if that was,
10 like, protected information.

11 THE COURT: You what?

12 THE WITNESS: I apologize.

13 The names I remember are Ibbby and Kendall.

14 BY MR. CANTWELL:

15 Q I'm sorry. What were those names?

16 A Ibbby and Kendall.

17 Q A-B?

18 A Ibbby.

19 Q Could you spell that?

20 A I think it would be like I-B-B-Y.

21 Q I-B-B-Y and Kendall?

22 A Yes.

23 Q And can you tell me Ibbby and Kendall's last names?

24 A That would be Kendall King.

25 Q Kendall King and Ibbby?

D. Willis - Cross

1 A And Ibby Han.

2 Q I'm sorry. Say that again?

3 A Ibby Han, H-A-N.

4 Q H-A-N. Thank you.

5 And how many people were in the car that you don't
6 remember?

7 A Maybe two others.

8 Q Two others?

9 Could you describe the two other people whose names you
10 don't remember?

11 A All I remember about them is that they were students. I
12 think I didn't know them because they went to -- they either
13 went to UVA and I didn't know them, or they went to a different
14 Virginia college.

15 Q So you don't know if they were male or female?

16 A I really don't remember.

17 Q You don't remember if they were male or female?

18 A I think they were behind me.

19 Q You don't remember if they were black or white?

20 A I remember them being white.

21 Q They were white. Okay. So two white folks of unknown
22 sex.

23 Okay. And you don't remember who told you about the torch
24 march, either, right?

25 A I don't remember which individual broke the news to me.

D. Willis - Cross

1 Q So you were -- you're at this -- was it a spaghetti
2 dinner, did you say?

3 A It was a spaghetti dinner.

4 Q And somebody comes into the room and says "the torches are
5 coming," and you guys all get in the car and go down there?

6 A My memory of it is like: I'm minding my business. I'm
7 eating soup. I'm hanging out with my friends. We're making
8 posters and I don't -- I'm assuming someone came in and
9 informed people. I think it is. I don't remember exactly.
10 I'm pretty sure it was an older student, but I don't want to,
11 like, you know -- whatever. Sorry.

12 The point is, is that, like, when I found out about the
13 fact that Jason Kessler was coming to UVA, it was because
14 somebody had kind of like gotten everyone's attention and said,
15 hey, this is happening.

16 Q Okay. You said -- have you done any study of American
17 history?

18 A Some study of American history, yes.

19 Q Does the name Paul Revere ring a bell?

20 A I know who Paul Revere is, yes.

21 Q So Paul Revere famously said, "the British are coming,"
22 something to that effect, right?

23 A He did.

24 Q Everybody remembers Paul Revere's name, right?

25 A A lot of people.

D. Willis - Cross

1 Q So the guy who says "the torches are coming" and you go
2 down there and you have this traumatic experience, you have no
3 idea who that person is?

4 A I don't remember who that person is. I don't think I even
5 knew at the time.

6 Q Okay. And pardon my memory and my notes here; were you
7 with Ms. Romero when this happened or -- you were at separate
8 places, right?

9 A My memory is that Nat was with us.

10 Q Oh, she was with you. Okay. But she wasn't in the car
11 when you went down there?

12 A She was not in my car.

13 Q Okay. She went in a different car?

14 A I don't know.

15 Q Okay. And you said that you -- was it Political and
16 Social Thought? Is that the degree you got?

17 A Yes.

18 Q Okay. Did you study Marxism in the course of that?

19 A I don't remember. I don't think we ever explicitly read
20 Marx.

21 Q You don't remember if you ever studied Marxism in
22 Political and Social Thought?

23 A I think, actually, yes. No, we did have to read a section
24 of *Das Kapital*.

25 Q So you read *Das Kapital*?

D. Willis - Cross

1 A We read a section of *Das Kapital*.

2 Q Did you ever read *The Communist Manifesto*?

3 A No, not in Political and Social Thought.

4 Q Really? Okay.

5 A Yeah, I don't think so, no.

6 Q I'm sorry?

7 A No.

8 Q Okay. Pardon me. Just a second. I apologize for being a
9 little out of sorts here.

10 (Pause.)

11 I guess I don't actually have to go to that.

12 So you get in the car from where you were at. Where were
13 you that you had to take the car ride to the Jefferson statue?

14 A The professor's house.

15 Q You're at the professor's house. So you get in the car.

16 And where did you guys park?

17 A We parked behind some apartments on Jefferson Park Avenue.

18 Q So you walk over to the statue and you link arms; you
19 catch back up with Ms. Romero, right?

20 A Yes.

21 Q And you're actually -- your arms are linked with
22 Ms. Romero's around the statue, right?

23 A Yes.

24 Q Okay. And at some point did you hear somebody say "heads
25 down, y'all, heads down"?

D. Willis - Cross

1 A I believe so, yes.

2 Q You heard somebody say that, right?

3 Did you hear somebody else say, "okay, guys, this is
4 really important to us"?

5 A I don't remember that.

6 Q Did you hear somebody say, "there's a fucking lot of
7 them"?

8 A I don't remember that.

9 Q You don't remember that.

10 Okay. Do you know who Emily Gorcenski is?

11 A I don't. I've heard of her name, but I don't know who she
12 is, or who they are.

13 Q Who they are?

14 A I'm just sensitive to people's pronouns.

15 Q I understand. So first you said you don't know who she
16 is, and then you said you don't know who they are, right?

17 A Well, on the off-chance I had misgendered her, I wanted to
18 correct that.

19 Q Do you know what Gorcenski's gender is?

20 A I don't.

21 Q You don't know if Gorcenski is transgender?

22 A I do not.

23 Q Are you on Twitter?

24 A I have a Twitter.

25 Q You're on Twitter?

D. Willis - Cross

1 A I have a Twitter. I don't use it much.

2 Q Okay. You don't use it much?

3 A (No verbal response.)

4 Q So you haven't, like, kept up-to-date on events with this
5 rally on Twitter at all?

6 A Wait. This rally?

7 Q The events at the heart of this dispute, did you keep up
8 with news about the events from Twitter at all?

9 A At the time, I don't think so.

10 Q At the time, you don't think so. Okay.

11 And I know I -- I jotted it down in my notes here. What
12 injuries did you sustain on the evening of August 11th at the
13 statue?

14 A Like I said, there was a lot of pepper spray on my side.
15 I believe your pepper spray was on my side. And some brawls
16 broke out, and they appeared to be started by the mob. And
17 they -- like, at least two or three of these people rolled and
18 they were fighting on the floor onto my legs. And I was busy
19 holding hands, so I couldn't really move, and I had already
20 moved as high as I could on the statue. So a lot of the
21 kicking and punching was hitting my legs.

22 Q Okay. Which mob was that?

23 A It came from the direction of the tiki torches.

24 Q So you're telling us that you know that the violence was
25 started by the people with the torches?

D. Willis - Cross

1 A That's how it appeared to me at the time, yes.

2 Q Okay. Have you looked over any of the video from that
3 night?

4 A I've seen, like, clips and pieces.

5 Q Okay. So you were affected by some pepper spray, you
6 said?

7 A Yes.

8 Q And did you say something about my pepper spray?

9 A Yes. I've seen a video of you spraying pepper spray about
10 where I'm standing.

11 Q About where you're standing?

12 A Yeah. It's a picture, sorry. Yes.

13 Q Okay. You've seen a picture of this?

14 A Yes.

15 Q So you haven't seen the video?

16 A I don't know if there is a video or not.

17 Q You don't know if there's a video or not?

18 A I do not.

19 Q Wow. Okay. Did you tell Michael Bragg that you had not
20 been injured?

21 A Yes. That interview took place -- I think it was Michael
22 Bragg, but I think I know which one you're referring to.

23 You know, I watched my friend almost die in the hospital
24 on Sunday. I didn't really feel like telling any reporters
25 that I had been seriously injured.

D. Willis - Cross

1 Q Did you seek first aid on the evening of August 11th?

2 A Just the basic stuff, like flushing my eyes.

3 Q Flushing your eyes?

4 A Yes.

5 Q Who flushed your eyes?

6 A I don't remember who flushed my eyes.

7 Q Did that person have a red bandanna?

8 A I don't think so.

9 Q So you don't know who did that?

10 A No. I -- yeah, no.

11 Q You don't know if there's any pictures taken of that?

12 A I don't know.

13 Q Any video?

14 A I don't know if there are.

15 Q Did you bring your phone with you on the evening of
16 August 11th?

17 A I don't remember. I think so.

18 Q You don't remember?

19 A I was shown a photo that I took, apparently on the way
20 out. So it makes me think I had my phone, but I don't remember
21 ever pulling it out. My hands were busy.

22 Q So you were shown a photo that you took, and so that makes
23 you think you might have had your phone?

24 A Well, probably. I'm just -- yeah.

25 Q Did you have another camera that you might have taken that

D. Willis - Cross

1 photo with? Is that the confusion?

2 A I don't think so. I was just answering on the spot.

3 Q Okay. You mentioned that you saw the torch bearers
4 carrying firearms on the UVA campus?

5 A Yes.

6 Q And to the best of your knowledge, that's not legal, is
7 it?

8 A I don't know if it was legal or not. I just know that,
9 like I said, when I was surrounded by known white nationalists
10 with flaming torches, it didn't make me feel better that I
11 could see that they were visibly armed. I thought someone
12 might use that as a pretense to begin shooting.

13 Q I'm sorry, I didn't actually catch your answer. I
14 apologize. Could you just repeat what you said? I apologize.

15 A Yeah. So I'm saying that I remember vividly that a lot of
16 the tiki torchers had holstered weapons on their hips, and it's
17 like, it wasn't about the legality of them having weapons. It
18 was about the fact that if there was a group of people who want
19 to shoot me for no reason, this would be it. And I was really
20 worried about that.

21 Q Right. Could you try to conjure an estimate of how many
22 of the tiki torchers had a firearm on their hips?

23 A I really couldn't guess.

24 Q And did you -- you haven't seen any photographs of that,
25 have you?

D. Willis - Cross

1 A I'm not sure. I could have. I'm not sure.

2 Q You're not sure?

3 A Yeah.

4 Q To the best of your knowledge -- withdrawn.

5 When you said that my pepper spray was on your side, are
6 you saying that I pepper-sprayed you?

7 A I'm saying that I have reason to believe that the pepper
8 spray that I choked on and that I needed to flush my eyes out
9 because of came from you, among other people.

10 Q Did you talk to Commonwealth's Attorney Robert Tracci
11 about that?

12 A I don't know who that is.

13 Q Did you speak to a Commonwealth's Attorney about your
14 injuries?

15 A I don't think so.

16 Q Did you speak to the police about your injuries?

17 A No.

18 Q Okay. Why not?

19 A I was really busy that weekend. I didn't think -- I never
20 made the time to go file a police report. It seemed like they
21 were aware of what was going on.

22 Q Did you hear any news stories about me being prosecuted
23 for what happened that night?

24 A I don't think I've heard those stories.

25 Q So it's your testimony today that you have not heard those

D. Willis - Cross

1 stories?

2 A If you were prosecuted for something that happened that
3 night, I only know about it because you might have mentioned it
4 earlier in these court proceedings. That's it.

5 Q So before today, you've never heard that Christopher
6 Cantwell got prosecuted for anything that happened in
7 Charlottesville?

8 A I think you mentioned that you had some prosecution over
9 something between you and someone else in the Walmart parking
10 lot or something.

11 Q Just to be clear, I'm talking about, before we walked into
12 this courtroom, you had no idea that Christopher Cantwell was
13 prosecuted for anything that happened in Charlottesville that
14 weekend?

15 A That is my understanding, yes.

16 Q Okay. Before today, did you tell anybody that you choked
17 on Christopher Cantwell's pepper spray?

18 A Yes.

19 Q Who?

20 A My legal counsel.

21 Q They didn't ask you about that during your direct
22 examination. It seems like a relevant detail. You're suing
23 me, right?

24 A Oh, no. It's just that, like, I don't think I had seen
25 the photo until after the deposition or something.

D. Willis - Cross

1 Q I'm sorry. After the deposition?

2 A Yes.

3 Q So you saw the photo after your deposition?

4 A Yes. Yeah, I continued to see photos.

5 Q And then after you saw the photo, you said, wait a second,
6 I think Cantwell pepper-sprayed me?

7 A Could you let me finish my answers, please?

8 Q I apologize. Please do.

9 A Could you repeat your question?

10 Q The first time you saw me was after your deposition?

11 A The first time I saw you?

12 Q Yeah.

13 A In person?

14 Q Well, the photograph in question.

15 A Oh. I don't know if it was the first time, but just the
16 incident that I remember, when you asked me about it.

17 Q Do you remember what the date of your deposition was?

18 A Sometime in July of 2020.

19 Q So in June of 2020, if somebody said, "do you know who
20 Christopher Cantwell is," you would have said no?

21 A I don't remember when I first became aware of you. I may
22 have had -- I don't know. Like, I may have had the ability to
23 identify you. I had never looked at footage and events from
24 8-11 too closely, because I tried to avoid them unless it's
25 pertaining to this case.

D. Willis - Cross

1 Q Okay. When were you approached by -- when were you
2 approached about this lawsuit?

3 A I became a plaintiff in October of 2017, if I'm not
4 mistaken.

5 Q So pretty early on in the process, right?

6 A I think so. I really hardly remember the time period.
7 That's, like, peak -- well, yeah.

8 Q I can't help but notice that you say "I don't remember" a
9 lot. Is everything okay?

10 A No, everything is not okay.

11 Q Okay. Is that something -- the memory gaps, did they form
12 after August 11th?

13 A Yes.

14 Q So prior to August 11th, mind like a steel trap, and then
15 afterwards you can't remember who you're in a car with or what
16 sex they are?

17 A My memory -- my ability to remember things and to
18 concentrate and to be present was so much better before
19 August 11th and 12th. I think going through something that
20 traumatic at 18, yeah, it really affected me.

21 And I also have tried to -- tried very hard to, like, let
22 go of certain memories from this period in my life. It was
23 horrible. All of 2017 was horrible.

24 Q Yeah. Well, 2017, I know, was a rough year.

25 You mentioned that you went to this -- was it June 8th or

D. Willis - Cross

1 July 8th, that Klan rally?

2 A July 8th, 2017.

3 Q All right. And you have represented to us here today that
4 that was a peaceful event, right?

5 A Yes.

6 Q Do you recall that, like, 23-some people on your side got
7 arrested for that?

8 A I didn't know those people.

9 Q Okay. Do you remember that the police had to deploy tear
10 gas?

11 A I remember that the police were, yeah, kind of rough with
12 people. But it didn't seem relevant. That wasn't a question
13 that I was asked originally.

14 Q Did you see police in riot gear?

15 A I don't remember.

16 Q Do you remember people chanting, "cops and Klan go hand in
17 hand"?

18 A I don't have a strong memory -- I don't have a memory of
19 that, no.

20 Q Are you familiar with that chant?

21 A I've heard that chant before.

22 Q Does that -- does that mean anything to you, "cops and
23 Klan go hand in hand"?

24 A It's not something that I really used, not when I was
25 doing student activism.

D. Willis - Cross

1 Q You prefer "no justice, no peace, no racist beliefs,"
2 right?

3 A Yes. That's my one.

4 Q That's your one.

5 Okay. So you told Michael Bragg at *The Daily Progress*
6 that you hadn't been injured, and then you were approached
7 about this lawsuit and then you were injured, right?

8 A Like I said, I thought -- I was speaking to the media at a
9 time when I was really traumatized and probably shouldn't have
10 been. But yeah, I said -- I minimized my injuries because it
11 just felt so -- Natalie is a close friend of mine. I didn't
12 want to sensor myself, especially not -- you know, when is that
13 article from, two days after these things happened?

14 Q August 19th is when it was published.

15 A So about a week later. Yeah, at the time I didn't think
16 talking about my injuries was appropriate. But that was
17 something that I unlearned over time.

18 Q Okay. So you're involved with the -- was it the Black
19 Student Alliance or Association, which one was that?

20 A It's called the Black Student Alliance.

21 Q BSA, not to be confused with DSA, right?

22 A Not to be confused with DSA.

23 Q You know what the DSA is, though, don't you?

24 A I know who the DSA are.

25 Q What is the DSA?

D. Willis - Cross

1 A DSA stands for Democratic Socialists of America.

2 Q Are you involved with the DSA?

3 A I am not involved with the DSA.

4 Q Are any of your friends involved with the DSA?

5 MS. CONLON: Objection, relevance.

6 THE COURT: Sustained. He said he's not involved.

7 BY MR. CANTWELL:

8 Q You're involved with other, what you described as social
9 justice groups, right?

10 A Mostly during that summer.

11 Q Mostly during that summer?

12 A Yes.

13 Q You named Solidarity C'ville as one?

14 A Yes.

15 Q Maybe I'm incorrect here. In my notes it says that you
16 said you were associated with BLM C'ville, but I think you
17 denied that when Mr. Jones was talking to you. Can you
18 clarify?

19 A I just denied that I was never a member. My role that
20 summer was a liaison. So I had to attend different meetings
21 from different groups and take notes and share notes. That was
22 my thing. It didn't make me a member of those groups.

23 Q I appreciate you clarifying. So you were a liaison -- was
24 that for the Black Student Alliance?

25 A Yes.

D. Willis - Cross

1 Q Okay. So the Black Student Alliance, you were a liaison
2 to BLM C'ville?

3 A Yes.

4 Q And Solidarity C'ville?

5 A Yes.

6 Q What about SURJ?

7 A I don't remember who SURJ are but that sounds right.

8 Q Showing Up for Racial Justice, does that refresh your
9 memory?

10 A Yes.

11 Q So you had involvement with SURJ, right?

12 A I had to attend meetings of SURJ as part of my job, at
13 least on one occasion.

14 Q In your capacity as BSA liaison?

15 A Yes.

16 Q Did the BSA have a liaison to the DSA?

17 A I don't think so.

18 Q You don't think so. Okay.

19 And PARJ, Peoples Action for Racial Justice, was that
20 just -- was that like an official organization or was that just
21 a Facebook page or?

22 A It was more of an ad hoc committee that, like I said, it
23 existed for as long as it needed to, to make the PARJ happen on
24 the day of the 12th, but I don't think it existed beyond that.

25 Q Okay. Was that also your role, were you a liaison to that

D. Willis - Cross

1 or were you a part of this ad hoc thing or?

2 A Well, honestly, the BSA, you know, it's an undergrad
3 student group so it wasn't that organized. It was actually
4 never clear whether or not the PARJ stuff was like in my role
5 as BSA or just me as Devin Willis. I'd like to think of it as
6 just me as Devin Willis.

7 Q During the course of your direct examination, I found --
8 would you be surprised to find out that I found it conspicuous
9 how many times you insisted that you were involved in strictly
10 peaceful protests, that you would only be involved in strictly
11 peaceful protest?

12 MS. CONLON: Objection, Your Honor. This is
13 Mr. Cantwell testifying. I understand he's *pro se*, but this
14 isn't a podcast.

15 THE COURT: You're asking him if he would be
16 surprised at your reaction. If you can ask him about what he
17 knows, not --

18 MR. CANTWELL: I'll find a different way to address
19 the subject.

20 Let me pull up the exhibit here, 3261. That's not
21 3261. Plaintiffs' 3261. I'm sorry, I think I might have -- I
22 know that you've updated your -- I'm sorry, I know that
23 plaintiffs' counsel has updated their exhibit list a few times.
24 When I pull up 3261 I'm pulling up a Discord post, but that
25 seems to be this August 8th letter for Peoples Action for

D. Willis - Cross

1 Racial Justice, which is what I'm trying to pull up.

2 MR. SMITH: I have it here, if you need it.

3 Obviously it needs to be put up on the board.

4 MR. CANTWELL: I guess I can probably do it
5 without --

6 THE CLERK: You can use the document camera.

7 MR. CANTWELL: I can use the document camera?

8 Could we show this to the jury, please. Publish to
9 the jury?

10 THE CLERK: This is a previously admitted exhibit? I
11 can't see the top of it.

12 MS. CONLON: It is. It's the previously admitted
13 exhibit.

14 THE COURT: Is it admitted as an exhibit?

15 MR. CANTWELL: I believe it is.

16 THE CLERK: I believe this is 3261.

17 THE COURT: All right. Go ahead.

18 BY MR. CANTWELL:

19 Q "The Peoples Action for Racial Justice will be a peaceful
20 protest against all forms of white supremacy, racial
21 intolerance and discrimination."

22 If somebody doesn't say that it's a peaceful protest, then
23 what is it?

24 A I don't understand the question.

25 Q I noticed that -- I'm sorry, go ahead.

D. Willis - Cross

1 A If someone doesn't say that it's a peaceful protest, then
2 what is it?

3 Q Yeah.

4 A A protest.

5 Q Okay. So protests are peaceful by default is kind of the
6 idea, isn't it?

7 A I don't know if protests are peaceful by default. I don't
8 know a lot about the history of protests. I just know
9 nonviolent protest has been the most popular and most effective
10 for a long time now.

11 Q Okay. So you have a degree in political and social
12 thought, and you're a liaison to various different social
13 justice groups, and you don't know if protest is peaceful by
14 default? Like if we don't mention peaceful, then people might
15 get the idea that this is a good place to commit violence; is
16 that what you're saying?

17 MS. CONLON: Objection to the form of the question.

18 MR. CANTWELL: Let me rephrase. Or withdrawn.

19 BY MR. CANTWELL:

20 Q I noticed repeatedly it comes up in this document that
21 it's peaceful. And as Mr. Jones pointed out with you, or as
22 you went over with Mr. Jones, there seems to be a contrast
23 between a different type of protest. And that seems to be
24 acknowledged in this letter. Is that fair to say?

25 A I think the letter just focuses on asserting that this one

D. Willis - Cross

1 will be peaceful. Right? Like people -- that was the most
2 important thing they were trying to relay, is that like, the
3 purpose is peaceful, right? Like, this is a document that
4 everyone is going to see. It needs to make the intentions of
5 the people writing it clear.

6 Q Other than the Unite the Right rally itself, were you
7 aware of protests that did not advertise themselves as
8 peaceful?

9 A I was not.

10 Q Have you ever heard the phrase "diversity of tactics"?

11 A I've heard it here in this -- yes, I've heard the phrase.

12 Q You've heard it before this courtroom, right?

13 A Yes, yes.

14 Q What does that mean?

15 A Like -- and I mean, I've literally heard "diversity of
16 tactics," I've heard that from all -- like in sports or
17 something, I don't know, but I know that you're -- I know most
18 recently what comes to mind when you said it is, like, what you
19 said in this courtroom.

20 Q So before I pointed out that "diversity of tactics" is a
21 euphemism for political violence, you had never -- that
22 definition never occurred to you before you heard me say it?

23 A I don't know if it's a political euphemism for violence,
24 and I don't think I had a great command of what the term means
25 before you talked about it.

D. Willis - Cross

1 Q So in your talks as liaison with Showing Up for Racial
2 Justice, they never mentioned diversity of tactics?

3 A Not that I remember, no.

4 Q Okay. And in your dealings with Solidarity C'ville, you
5 never heard the phrase "diversity of tactics"?

6 A No, not that I remember.

7 Q And in your dealings with C'ville BLM, you never heard the
8 phrase "diversity of tactics"?

9 A No, not that I remember.

10 Q Okay. You testified that you saw nobody act violently on
11 July 8th?

12 A I testified that.

13 Q Okay.

14 A Well, I testified that it was a peaceful gathering. Like,
15 I think -- yeah.

16 Q You don't know why 23 people were arrested and police
17 deployed tear gas?

18 A I think I had left already.

19 Q You had left by that point. Okay.

20 Do you agree with Walt's statement that white supremacy
21 happens all the time; it is the rule, not the exception?

22 MS. CONLON: Objection, relevance as to whether
23 Mr. Willis agrees with a quotation by somebody else.

24 THE COURT: Overruled. He's expressing his own
25 opinions, if he agrees.

D. Willis - Cross

1 THE WITNESS: Yeah, I think I agree with the first
2 clause, white supremacy is a frequent thing that happens in
3 this country and a lot of the world. That's something that I
4 agree with.

5 BY MR. CANTWELL:

6 Q In fact, Ms. Romero said that white supremacy is systemic;
7 do you agree with that?

8 A I do agree with that.

9 Q Did you go to the one-year anniversary of August 12th in
10 Charlottesville?

11 A I don't remember. I think very briefly. I think there
12 was some stuff happening at the campus and I went.

13 Q Could you -- well, let me put it differently: Where were
14 you on August 12th, 2018?

15 A I was in Charlottesville.

16 Q Okay. And when you were in Charlottesville on August
17 12th, 2018, did you see a sign that said, "Last year they came
18 with torches; this year they come with badges"?

19 A I think so.

20 Q You saw that sign, right?

21 A I think so. I can't remember if I had seen it in a photo
22 later on or if I saw it that day. But I recognize the phrase.

23 Q So just -- the theme here, you chant, "No justice, no
24 peace, no racist police." Walt says, "White supremacy happens
25 all the time. It is the rule, not the exception." "Last year

D. Willis - Cross

1 they came with torches, this year they come with badges."

2 It sounds to me like you're not protesting something
3 that's unusual, right?

4 A Is that a question?

5 Q Yes. Do you find that what we were attempting to do on
6 August 11th and 12th, 2017 was unusual?

7 A Yes, it was unusual.

8 Q Okay. What was unusual about it?

9 A The flaming torches and -- that part.

10 Q Yeah, the torches were a nice touch. You're right.

11 You said you know the students who were holding the
12 "Virginia students act against white supremacy" sign?

13 A Yes.

14 Q What were their names?

15 A I just -- I really don't even know. I only know one is
16 Luca Connolly.

17 Q I'm sorry, Connolly?

18 A I could be wrong about the last name, but the only person
19 I recognized in the photo for sure is a person named Luca.

20 Q Could you tell me that first name again? I'm sorry.

21 A Luca.

22 Q L-U-C-A?

23 And you think that's Luca Connolly?

24 A I think so.

25 Q So on your direct examination you said you know who those

D. Willis - Cross

1 students, plural, were. Is that not the case?

2 A I'm not, like -- yeah, so the case is that at different
3 times I remembered incorrectly who exactly is holding the thing
4 in the photo. Right? Like, for a while I thought one friend
5 had their hand on the banner, and then I saw a clip and that
6 friend is somewhere completely different than where I thought
7 they were. So if it sounds like I'm moving about on this
8 issue, it's just because I want to be accurate, that's all.

9 Q Okay. So the only reason you're changing your testimony
10 is because you want to be accurate?

11 A I don't think I'm changing my testimony as a --

12 MS. CONLON: Objection, Your Honor, mischaracterizes
13 testimony. This is page 178 of the transcript.

14 THE COURT: It's an argumentative question.
15 Sustained.

16 BY MR. CANTWELL:

17 Q You said -- I forget genuinely -- did you say that you
18 heard someone say "Heads down, y'all, heads down"?

19 A Yes, but also it was in what we talked about beforehand,
20 just being like, hey, people are going to try to expose your
21 identity for retaliation possibly. Make sure your face is
22 covered.

23 Q Oh, who did you talk about that with?

24 A I don't remember who individually said it. That was just,
25 like, some wisdom.

D. Willis - Cross

1 Q Just some wisdom?

2 A Yeah.

3 Q Okay. Do you know a lot of people who got fired for being
4 anti-racist in 2017?

5 A Got fired for being anti-racist?

6 Q Yeah.

7 A I don't think I know anybody personally who was fired for
8 that.

9 Q Do you know anybody who had, like, their marriage ruined
10 because they opposed racism?

11 MS. CONLON: Objection. Relevance.

12 THE COURT: Sustained. This is just argument.

13 BY MR. CANTWELL:

14 Q You testified that your -- I think you said your white
15 friends had formed a circle around you on the evening of August
16 11th to get you out of there.

17 A They did. It was a very brave thing.

18 Q And what were their names?

19 A It's the same crowd of people. It's -- okay. Yeah, so
20 someone named Lou, someone named Luca, someone named Kendall.
21 Someone named Ibbby. Someone named Ian. Yeah, I don't want
22 to --

23 Q So that would be Ian Ware?

24 A Yes.

25 Q So Ibbby Han, Kendall, Luca and Lou --

D. Willis - Cross

1 A Yeah.

2 Q -- formed a circle around you?

3 A Yes. These are some of the people who I remember doing
4 that for me, yes.

5 Q So at McGuffey Park on August 12th you said that people
6 were reading poetry?

7 A Yes.

8 Q And they were singing songs?

9 A Uh-huh.

10 Q And there was a band playing?

11 A I don't know if the band came till later or not.

12 Q Okay. So it came a little later in the day --

13 A I'm not sure.

14 Q -- but at some point during the course of the day on
15 August 12th there was a band at McGuffey Park?

16 A Yes.

17 Q Now, you had, from McGuffey Park, you had some sort of
18 organized march that landed you in front of the library; is
19 that accurate?

20 A Yes, we had a student march. It was the same group of
21 people from the evening beforehand. We had already planned to
22 do it. That's why we had the band and everything.

23 Q And whose plan was that?

24 A I think it was all of our plan. I don't remember who came
25 up with the idea.

D. Willis - Cross

1 Q So you don't know whose idea it was to be in front of the
2 library?

3 A I do not.

4 Q Okay. Pardon me for jumping around here, but did you
5 state that on the evening of August 11th you heard them
6 chanting "white power"?

7 A I believe that's my testimony, yes.

8 Q So now, I understand that you might have perceived some of
9 those chants to be white power chants, but were they chanting
10 the words "white power" specifically?

11 A It was either "white lives matter" or "white power."

12 Q "White lives matter" or "white power"?

13 A Or both.

14 Q Do you think there's much of a distinction between those
15 two phrases?

16 A There's some distinction.

17 Q Do you believe that there is a negative connotation
18 surrounding the phrase "white power"?

19 A It depends on who you're asking, but yes.

20 Q And do you think that same negative connotation applies to
21 "white lives matter"?

22 A I think "white lives matter" has less of a negative
23 connotation.

24 Q Right. Okay. And right now you're not sure which of
25 those chants you heard, right?

D. Willis - Cross

1 A It could be either. It feels like both.

2 Q It feels like both?

3 A Yeah.

4 Q But you're not sure?

5 A I'm not -- I'm pretty sure, yeah. I'm pretty sure.

6 Q I'm sorry, you're pretty sure what?

7 A I'm pretty sure one or the other. I may have mistook one
8 for the other, but I know at least one of those was said -- was
9 chanted.

10 Q Okay. Another thing you don't remember is the substance
11 of your meeting with the Charlottesville police chief, right?

12 A Right. I don't remember the details of it. I remember
13 the building, that's about it, the room.

14 Q Do you remember saying that you were chatting with the
15 drummer outside the library?

16 A Yes.

17 Q I see three men with drums. Can you tell me which one of
18 them that was?

19 A It's the person in the gray shirt.

20 Q The person in the gray shirt that's covering his face?

21 THE CLERK: Excuse me. Can I ask what exhibit that
22 is?

23 MR. CANTWELL: I'm sorry. We're looking at
24 Plaintiffs' Exhibit 3268.

25 BY MR. CANTWELL:

D. Willis - Cross

1 Q This man right here, right?

2 A Yes.

3 Q So you're chatting with the guy who doesn't want his
4 picture taken, right?

5 A To me it looks like he's wiping sweat.

6 Q And this guy is wiping sweat too, I take it?

7 A Could be. I'm not sure.

8 Q It's a hot day, right?

9 A Yeah.

10 Q Yeah.

11 Could we bring this computer back over to my screen,
12 please. It's no longer showing the jury, right? We show that
13 just to the witness for now.

14 At some point on August 11th you decided that you -- you
15 wanted to leave after the torch marchers had surrounded you,
16 right?

17 A Yes. I told my friends I wanted to go.

18 Q And any particular reason you didn't decide to do that
19 before you were surrounded?

20 A Before we were surrounded I was still on the fence, but I
21 thought that I could -- I thought it would be okay. After I
22 was surrounded, I changed my mind. I feared for my life. I
23 changed my mind.

24 Q Okay. I'd like to show Mr. Willis -- I have this as
25 the -- the file name that you've got will be CCEX134.

D. Willis - Cross

1 MS. CONLON: Your Honor, before Mr. Cantwell does
2 that, we don't have any exhibits with the prefix CC. My guess
3 is these have been since renamed. So we need to know what --
4 what exhibit this is or what it used to be called, or be given
5 a list of how the new exhibits are named.

6 MR. CANTWELL: Judge, I think that Mr. Bloch could
7 probably help them out. I gave them -- I gave Mr. Bloch a
8 thumb drive this morning with these. It would have been on the
9 exhibits list that I gave plaintiffs' counsel. This would be
10 titled Exhibit 134, and then it had a broader description after
11 that description.

12 MS. CONLON: If that was provided to us
13 electronically this morning right before court, it's something
14 I haven't seen. Could the Court ask Mr. Cantwell to share the
15 original number of the exhibit just so we can get moving?

16 MR. CANTWELL: It's 134.

17 MS. CONLON: Oh, it's the same that it was. Just a
18 new prefix?

19 MR. CANTWELL: Yeah.

20 May I show this to the witness?

21 THE COURT: You may.

22 (Video playing.)

23 BY MR. CANTWELL:

24 Q Does that scene look familiar to you, Mr. Willis?

25 A Yes.

D. Willis - Cross

1 Q Can you point to me approximately where in this you are?

2 A Yes. Like there.

3 Q Oh, okay. I'm still looking at the screen on my laptop.

4 I didn't see your dot there. Okay. Thank you.

5 MR. CANTWELL: I'd like to move this into evidence.

6 MS. CONLON: Your Honor, this is an entire video and
7 Mr. Willis has been shown a single clip. So if Mr. Cantwell
8 wants to move in this clip that Mr. Willis can authenticate, we
9 wouldn't object. But if he's seeking to move in the whole
10 video from his exhibit list, something Mr. Willis has never
11 seen, then we would ask that he authenticate the video with
12 Mr. Willis first, the whole video.

13 MR. CANTWELL: Judge, that sounds like a reasonable
14 request. I don't have the capacity to cut clips out in a
15 courtroom. And so --

16 MS. CONLON: Then we would just ask that only this
17 clip that's been shown to the witness, just the time stamps
18 could be read into the record and that's the portion that could
19 be admitted.

20 MR. CANTWELL: That sounds reasonable enough. Does
21 that work, Judge?

22 THE COURT: Works with me. But I don't know how to
23 do it.

24 MR. CANTWELL: How about I'll start playing the video
25 and we'll talk about it and then we'll figure out the time

D. Willis - Cross

1 stamps, and then once we're all okay with that, then we can
2 show it to the jury. Does that work?

3 THE COURT: What's the problem with this? Is there
4 any prejudice to this --

5 MS. CONLON: Your Honor, this is a defense exhibit
6 that the witness has never seen the whole video of. So to use
7 this witness to authenticate an entire video that he's never
8 seen without having shown it to him, we would object to that on
9 lack of foundation.

10 THE COURT: All right.

11 MR. CANTWELL: And I'll -- for the Court's sake,
12 there is -- this video file that I have here does have
13 different segments to it which do not include Mr. Willis. So I
14 think plaintiffs' counsel's concerns are reasonable. So --

15 MR. SMITH: Sounds like it needs to be clipped.

16 MR. CANTWELL: I'm sorry. I'm working through this
17 as we go. So let me just show you this and we'll go from
18 there.

19 THE COURT: There was an exhibit admitted showing him
20 at the -- at the statue. Can't you use that one?

21 MR. CANTWELL: This is a video file, and I'd like to
22 go over the video file with some of the audio, is the goal.

23 THE COURT: Well, why don't we take a lunch recess
24 and -- so the jury doesn't have to sit here and wait.

25 MR. CANTWELL: That sounds reasonable to me, Judge.

D. Willis - Cross

1 THE COURT: Members of the jury, it's nearly 12:30.
2 Why don't we take a lunch recess now until 1:30.

3 And if you all would get that straightened out.
4 Let's get this worked out, though, before you leave for lunch.
5 **(Jury out, 12:24 p.m.)**

6 (Recess.)

7 MS. KAPLAN: Before we begin, we're very close to
8 having a complete set of stipulations. Could we just have
9 another two minutes to talk to him before we start?

10 THE COURT: All right.

11 (Discussion off the record.)

12 MS. KAPLAN: Thank you, Your Honor.
13 If we could put that on the record?

14 MR. BLOCH: Sure.

15 MS. KAPLAN: Okay. Go ahead.

16 MR. BLOCH: Your Honor, Mr. Cantwell approached us
17 during the break and asked us for potential stipulations to
18 some of the exhibits that he would like to show this witness,
19 and I believe we've reached an agreement.

20 The agreement is the plaintiffs will stipulate to the
21 admissibility of what is marked -- I believe it is
22 Mr. Cantwell's Exhibit 134, as well as Mr. Cantwell's
23 Exhibit 138. Mr. Cantwell, in turn, will agree to the
24 authenticity of the production of Discord that plaintiffs
25 received pursuant to subpoena.

D. Willis - Cross

1 Your Honor, what that means is that I believe every
2 defendant here, represented and *pro se*, has now stipulated to
3 the authenticity of the Discord production, such that the
4 Discord production can be authenticated without a live witness
5 from Discord. And that's my understanding of the agreement
6 that we've just reached.

7 (Defendants' Exhibits 134 and 138 marked.)

8 (Defendants' Exhibits 134 and 138 admitted.)

9 MR. CANTWELL: I agree with that, Judge.

10 THE COURT: Thank you. Can we call the jury?

11 **(Jury in, 1:37 p.m.)**

12 THE COURT: All right. You may be seated.

13 You may proceed, Mr. Cantwell.

14 MR. CANTWELL: Sorry. Just a moment.

15 BY MR. CANTWELL:

16 Q Mr. Willis, I'm going to show you -- this is Plaintiffs'
17 Exhibit 2695 that we've looked at before.

18 MR. CANTWELL: Could we -- I believe this is already
19 in evidence. Can we show this to the jury?

20 THE COURT: Yeah.

21 BY MR. CANTWELL:

22 Q Okay. Mr. Willis, do you know who Lindsey Elizabeth Moers
23 is?

24 A No.

25 Q Do you know who Thomas Massey is?

D. Willis - Cross

1 A No.

2 Q Do you know who Thomas Keenan is?

3 A No.

4 Q Do you remember that woman that I've just circled there
5 from the evening of August 11th?

6 A I do not.

7 Q How about this man? We're looking at his back right now,
8 but the blue shirt with the orange long-sleeved shirt
9 underneath it, does that ring a bell?

10 A No.

11 Q Okay. And this person over in this corner with the camera
12 phone, you don't recognize that person?

13 A No.

14 Q Okay. Those people that I pointed out to you, do you
15 think that if they were UVA students you would recognize them
16 or you would remember them?

17 A If they were UVA students, would I know?

18 Q Yeah.

19 A It's possible there would have been UVA students I didn't
20 know, but...

21 Q You couldn't be sure, in any case?

22 A I couldn't be sure.

23 Q Okay. Thank you.

24 MR. CANTWELL: This is just -- we're just showing the
25 witness this now, right?

D. Willis - Cross

1 THE CLERK: Correct.

2 (Defense Exhibit 133 marked.)

3 BY MR. CANTWELL:

4 Q Mr. Willis, I'm going to show you -- this is my
5 Exhibit 133. And you can see the frame that we're in, right?

6 A Yes.

7 Q I know it's a little bit blurry, but do you get an idea of
8 what we're looking at?

9 A Yes.

10 Q Okay. Do you have an idea of where you are in this, or if
11 you're in this?

12 A I can't see the statue very well, but I think --

13 Q Let me start the video, and then we'll see if it becomes a
14 little bit easier to grasp.

15 MR. CANTWELL: Oh, I should mute this. I'm sorry.

16 (Video playing.)

17 BY MR. CANTWELL:

18 Q Are you in this video?

19 A I can't see myself well, but I believe so, yes.

20 Q So you can't see yourself, or you can't see yourself well?

21 A I can't see myself well. I know where I'm standing in
22 this video.

23 Q You know where you are in this video?

24 A Yes.

25 Q Would you mind circling that spot on there for me, please?

D. Willis - Cross

1 A (Witness complies.)

2 Q Okay.

3 A Yes.

4 MR. CANTWELL: I'd like to show this video to the
5 jury.

6 THE COURT: You may.

7 Has this exhibit been admitted?

8 MR. CANTWELL: This -- well, I'm sorry. I would like
9 to admit a clip of this video.

10 THE COURT: Okay. It's admitted, and you may.

11 MR. CANTWELL: So we're going to do this from 1446 to
12 1612 on Exhibit 133. That's the goal here. Now I'm going to
13 turn the volume on.

14 (Defense Exhibit 133 admitted.)

15 BY MR. CANTWELL:

16 Q There's a couple of things I'm looking for here,
17 Mr. Willis. If you see a pistol, if you hear "white power," if
18 you hear monkey noises, I want you to tell me to stop, okay?

19 A Okay.

20 Q Thank you.

21 (Video playing.)

22 A I hear "white power."

23 Q You hear "white power"?

24 A Yes.

25 Q Okay. I'm sorry. Let me go back there.

D. Willis - Cross

1 (Video playing.)

2 Did you know if it came in after -- somebody says -- not
3 to be argumentative here. I heard somebody say "leftist scum."
4 Is it before or after "leftist scum"?

5 A It's after I hear someone shout something about Antifa.

6 Q Okay. Let me go back a little bit.

7 I think by this point is when you said you had heard it.
8 So we heard -- suffice it to say you heard it in there.

9 So far they haven't begun chanting in unison, would that
10 be fair to say, at this point in the video?

11 A Yes. But he does it just before "leftist scum."

12 Q Right before "leftist scum," you hear somebody say "white
13 power"?

14 A Yes.

15 Q Okay. All right. Fantastic.

16 (Video playing.)

17 Is that what you were referring to as monkey noises, this
18 (indicating), or is that something else?

19 A I'm not --

20 Q Not sure?

21 A I'm not sure.

22 Q Okay. Let's continue.

23 (Video playing.)

24 Now, do you get an idea where we are in this video --
25 like, where the camera is?

D. Willis - Cross

1 A Yes.

2 Q Okay. And do you have an idea -- can you point to where
3 you believe you are in this video? I think you're blocked by
4 other people.

5 A Yes.

6 Q I'm going to go back two seconds and then we'll come
7 back -- well, maybe five seconds.

8 (Video playing.)

9 A Yes.

10 Q Is that you in the white shirt with something --

11 A The pink shirt underneath --

12 Q The pink shirt under the white shirt, is that you?

13 A Yes.

14 Q Okay. Great. Okay. So let's continue.

15 (Video playing.)

16 Now --

17 A Could you rewind that last part?

18 Q I'll gladly rewind it in just a second. I just want to
19 point somebody out real quick.

20 So this guy -- before, when we looked at the photograph,
21 you said you didn't recognize that guy, right?

22 A I don't recognize that guy.

23 Q But he's standing pretty much right in front of you,
24 right?

25 A More or less.

D. Willis - Cross

1 Q Okay. So you want to rewind it, go back -- how about we
2 go back six seconds? Does that work?

3 A Sure.

4 (Video playing.)

5 This is like -- this may not be the only instance, but I
6 experienced the sounds that you hear at this time as, like,
7 some of the monkey noises, like the (indicating), and it
8 obviously breaks apart.

9 Q Okay.

10 A And there's some screeching.

11 Q Okay. All right. Very good -- well, not very good. I'm
12 sorry. But at least we understand each other, I mean to say.

13 Okay. So I'm going to go back just a little bit. It's
14 going to be too much of me to ask if you recognize this guy,
15 obviously, right? That's a little bit blurry.

16 A I don't recognize that person.

17 Q Okay.

18 (Video playing.)

19 Now, do you see that right there, where that camera gets
20 swatted out of that guy's hand?

21 A I just saw it, yeah.

22 Q Okay. Let's just...

23 (Video playing.)

24 Just so we're clear, you haven't seen anybody else get hit
25 at this point, right?

D. Willis - Cross

1 MS. CONLON: Objection, vague. I guess I'd ask that
2 counsel clarify whether he means in this video or at this point
3 in time.

4 MR. CANTWELL: Well, actually, I'll ask both
5 questions.

6 BY MR. CANTWELL:

7 Q Before this moment, in your memory, was there any violence
8 at the August 11th thing?

9 A I'm not sure, because this moment isn't in my memory. I'm
10 looking at the floor when this takes place.

11 Q When this happens, you're looking at the floor?

12 A Yes.

13 Q All right. And so separate question now: From what
14 you've seen in this video, does that look like the first time
15 somebody takes a swing at somebody?

16 A I'm really not sure.

17 Q Okay.

18 A It's not the widest angle.

19 Q Just within the context of what we're seeing here?

20 A Sure.

21 Q I can rewind. Do you want to go back?

22 A Yes, please.

23 Q All right. Let's do that.

24 So what did we say? 14:46 we start?

25 (Video playing.)

D. Willis - Cross

1 Just from this video -- what we've seen here; not an
2 overall statement of who's right or who's wrong -- from what
3 you've seen in this video, does it look like the guy with the
4 orange long-sleeved shirt under the blue short-sleeved shirt
5 takes the first swing?

6 A I think he knocks the guy's phone out of his hand, yeah.

7 Q Okay.

8 (Video playing.)

9 Unfortunately, that stops pretty quick, doesn't it?

10 A Pardon?

11 Q It stops pretty quickly, unfortunately, though?

12 A Yes, fortunately.

13 Q I think that that's where we said we were going to stop.
14 So let me pull up a different angle of video now.

15 MR. CANTWELL: We've already stipulated to this one.
16 This is going to be -- this is 138, I believe we said, right?

17 MS. CONLON: Yes.

18 MR. CANTWELL: 138, we stipulated to. Okay.
19 Fantastic.

20 (Defendants' Exhibit 138 marked.)

21 (Defendants' Exhibit 138 admitted.)

22 BY MR. CANTWELL:

23 Q So have you ever heard of a website called Unicorn Riot?

24 A No, I have not.

25 Q Have you ever heard of a website called itsgoingdown.org?

D. Willis - Cross

1 A No.

2 THE CLERK: Just for the jury, are you needing this
3 to be admitted?

4 MR. CANTWELL: Yes. Can we move this into evidence?
5 This is my Exhibit 138, and I'd like to move this into
6 evidence, publish it, and show it to the jury.

7 THE COURT: You may.

8 BY MR. CANTWELL:

9 Q Now, this video -- I'll pause it when it happens. There's
10 a couple of times -- it's probably going to seem obvious to
11 everybody here, but just so we're clear what we're looking at,
12 there's a couple of edits in this video. And so when they
13 happen, I'm going to pause, we'll acknowledge the edits, and
14 then we'll move on.

15 (Video playing.)

16 A Would you still like me to stop you when I hear "white
17 lives matter," "white power," or the presence of firearms?

18 Q If you hear "white power," definitely let me know. I'd be
19 interested to know if that one happens. Did you hear that in
20 here?

21 A I think I just heard "white lives matter."

22 Q Yeah. Okay. Very good.

23 Do you want me to rewind, see if we find a "white power"
24 in there?

25 A I'm not hunting for one. Please continue.

D. Willis - Cross

1 (Video playing.)

2 Q Now, here's one of those very obvious edits by the good
3 folks over at Unicorn Riot, okay?

4 Is your screen as dark as mine over there?

5 A Yes.

6 Q Let me see if I can --

7 MR. CANTWELL: Could we not show this to the jury for
8 a second? I want to do something with the video and make sure
9 plaintiffs' counsel is okay with it, okay? I want to change
10 the brightness on this, because I think it's a little bit
11 difficult to see.

12 (Pause.)

13 BY MR. CANTWELL:

14 Q Is that a little bit better, Mr. Willis, a little bit
15 easier to see?

16 A Maybe a little bit.

17 MR. CANTWELL: Is this okay with you?

18 If this is okay with plaintiffs' counsel, I'll show
19 this again to the jury.

20 MS. KAPLAN: We're just talking, Mr. Cantwell,
21 about -- the only difference you made was to make it brighter?

22 MR. CANTWELL: That's all I'm trying to do, yeah. On
23 my laptop screen this actually looks pretty okay. I'm looking
24 at it on the screen that's on this podium, and it looks real
25 dark and hard to see and I'm wondering if anybody else had

D. Willis - Cross

1 experienced that. So I turned up the brightness in order to
2 try to alleviate that problem.

3 MR. SPENCER: It's slightly better.

4 MS. KAPLAN: If it's just -- if all you're doing is
5 adjusting the brightness, that's fine.

6 MR. CANTWELL: Yes. Okay. I'd like to show that
7 back to the jury, please.

8 BY MR. CANTWELL:

9 Q Okay. So let's go here.

10 (Video playing.)

11 So there's a man in a tank top there; do you see him?

12 A Yes.

13 Q And do you recognize -- this time we see the man with the
14 orange long-sleeve shirt and a blue sleeve shirt?

15 A I didn't notice him.

16 Q Let's go back a little bit then.

17 This man with the beard here, does that look sort of like
18 the guy we pointed to before that had the blue short-sleeve
19 shirt with the orange long-sleeve shirt?

20 MS. CONLON: Objection, Your Honor. Mr. Willis has
21 already testified he didn't see this person. If Mr. Cantwell
22 wants to testify when he testifies about what he thinks the
23 video shows, that seems fine. But asking Mr. Willis to try to
24 ID people he hasn't seen on these videos --

25 THE COURT: Sustain the objection.

D. Willis - Cross

1 MR. CANTWELL: That's fair. Thank you.

2 (Video playing.)

3 BY MR. CANTWELL:

4 Q Do you have an idea as to where this fight is happening,
5 Mr. Willis?

6 A I can't tell.

7 Q Okay. Let's go a little bit further.

8 Earlier you testified that you saw the picture of me
9 pepper-spraying a man and you said that that seemed to be near
10 you, is what I'm trying to establish.

11 A Yes, I did testify to that.

12 Q Okay. So I'll rewind a little bit, then. Maybe you can
13 tell me if you know where this is happening.

14 (Video playing.)

15 A Yeah. Yeah.

16 Q This is happening right by where you were or are, right?

17 A Yes.

18 Q Now, if I recall correctly, what it sounded like you were
19 testifying to is that this fight -- do you recognize the logo
20 on the back of my shirt there?

21 A Is it the white logo?

22 Q Yeah, the white logo on the black shirt; do you see that?

23 A Yes.

24 Q Okay. I'm trying not to testify. I'm trying to see if
25 your memory matches up with mine. Is that the fight that you

D. Willis - Cross

1 said was at your feet before?

2 A I'm not sure. I've never seen this angle before, I don't
3 think.

4 Q But do you have an idea of where we are on the statue?
5 I'm sorry, you were speaking. I apologize.

6 A Yes. Thank you. This is definitely happening on my side.
7 This looks like it could be the incident where you pepper-spray
8 someone in my direction and pepper-spray me in the fight that
9 breaks out on my feet, yes.

10 Q Okay. So just so we're clear, before today, you haven't
11 said that I pepper-sprayed you, right?

12 A I don't think I've gone on record about it.

13 Q So this is the first time that you said that I
14 pepper-sprayed you?

15 A I think so.

16 Q Okay. All right. Fantastic. And so now we're in a
17 situation where the guy with the white logo on his shirt is
18 involved in a -- is that the fight that was at your feet
19 before?

20 A I don't remember extremely well. I remember it being at
21 my feet, like people rolling around.

22 Q And so -- did you move to another part of the monument
23 before they were rolling around?

24 A I don't remember clearly. I think the rolling around and
25 the fighting at my feet where I couldn't escape is what

D. Willis - Cross

1 prompted me to say we need to leave. I don't remember how
2 quickly we were able to go.

3 Q This guy right here, that's not you, right?

4 A I don't think so.

5 Q Okay. Let's rewind a little bit and see if we can find
6 you in this video. I'm going to slow down this playback a
7 little bit. Just slow motion, if that's okay.

8 MS. CONLON: Your Honor, before Mr. Cantwell shows
9 the video altered to the jury we'd ask that plaintiffs' counsel
10 be able to view it before it's published in whatever way
11 Mr. Cantwell intends to do it.

12 THE COURT: I'm sorry, I did not hear you.

13 MS. CONLON: I apologize. Before Mr. Cantwell
14 manipulates the video and shows it to the jury, I'm asking that
15 it be shown to plaintiffs' counsel beforehand so we can see if
16 we have an objection.

17 THE COURT: Okay.

18 MS. CONLON: Thanks.

19 MR. CANTWELL: That's fine with me. I should
20 probably mute it then, too right?

21 MS. CONLON: Yes, please.

22 (Video playing.)

23 MR. CANTWELL: It moves on to another area of the
24 video at that point. Is that -- that portion of it, is that
25 okay? Is that okay with plaintiffs' counsel?

D. Willis - Cross

1 MS. CONLON: Yes.

2 MR. CANTWELL: If we could show this back to the
3 jury, then.

4 (Video playing.)

5 BY MR. CANTWELL:

6 Q So real quick, there's that moment you saw me pepper-spray
7 that guy right there, right?

8 A Yeah, I think that's the one that was in the image I saw.

9 (Video playing.)

10 Q Now, you can see there's another attempt at a pepper spray
11 deployment there, you saw that?

12 A I did, yeah.

13 (Video playing.)

14 Q Did you just see another pepper spray get deployed?

15 A Yes.

16 (Video playing.)

17 Q Did you just see some more pepper spray get thrown?

18 A Yes.

19 Q And so fair to say you're not sure if I pepper-sprayed
20 you, right?

21 A I think the people -- I don't know who you're aiming for,
22 but I know that you're aiming at people who are standing very
23 near to where I'm standing, and you can see that it looks like
24 that's what prompts us to start running.

25 Q That's fair. Would it also be fair to say that the two

D. Willis - Cross

1 pepper spray deployments that came after I was pepper-spraying,
2 the two other ones, would it be fair to say those were sprayed
3 in a similar direction?

4 A Yes.

5 Q Okay. Great.

6 A Yeah, I did name you as one among other people.

7 Q I'm sorry, say it again?

8 A I think when we talked about it last time it was like -- I
9 said you were -- the video evidence is what made me believe you
10 were one among other people who sprayed me.

11 Q Right. Okay. So now you're saying you got pepper-sprayed
12 multiple times?

13 A I think I've always said that. It was never clear what
14 direction it came from.

15 Q How many times did you get pepper-sprayed?

16 A I'm not sure.

17 Q You're not sure. Have you ever been pepper-sprayed before
18 August 11th?

19 A No.

20 Q Have you been pepper-sprayed since then?

21 A I was exposed to it again the next day.

22 Q You were exposed to it again the next day?

23 A Yeah.

24 Q Okay. Do you think that getting pepper-sprayed was sort
25 of a memorable experience?

D. Willis - Cross

1 A It was pretty memorable.

2 Q Pretty memorable, but you're not sure how many times you
3 got pepper-sprayed?

4 A I mean, I think you can kind of see from the video --
5 well, my memory of it is that a lot of it happened at once. I
6 was choking, hiding my face and like struggling to breathe,
7 trying to get low, and then also trying to leave. So I think
8 that there were other things at the top of my memory.

9 Q That I can sympathize with.

10 Okay. So let's see. So by the time this fight happens at
11 that side of the statue, it looks like you're already gone,
12 doesn't it?

13 A It might look like that, but I'm, one, pretty small...

14 (Video playing.)

15 Q I'm going to pause this a couple of times. I wonder if we
16 see you at some point and I just don't want to miss it. Does
17 that work for you, sir?

18 A Yes, we can look for that.

19 Q Okay.

20 (Video playing.)

21 A Yeah, so if you were to jump back one more frame --

22 Q That was not one more frame. I'm sorry about that.

23 A One more.

24 Q One more back or forward?

25 A Forward.

D. Willis - Cross

1 One more.

2 Yes. So, like, in the top left corner you can see a mass
3 of people who are still on the statue. I believe that I'm
4 somewhere over there.

5 Q Masked people did you say?

6 A You see the shape of, like, one or two heads. I don't
7 know which one is mine. But I'm saying that that's about --
8 the frame demonstrates there's still more people behind the
9 people that are pictured.

10 Q Just to be clear. You're not saying they're wearing
11 masks. You're saying you can see the silhouette of their
12 heads? Is that --

13 A Yes, more or less.

14 Q Okay. Thank you.

15 (Video playing.)

16 Q And are you seeing some of the friends that circled you to
17 get you out of there at this point?

18 MS. KAPLAN: You're asking in the video?

19 MR. CANTWELL: Yes.

20 THE WITNESS: It's impossible to ID them because you
21 can't see the entirety of our faces.

22 (Video playing.)

23 BY MR. CANTWELL:

24 Q So the challenge that I'm finding here, when we get to
25 this frame here, you're not there, right?

D. Willis - Cross

1 MS. CONLON: Objection, Your Honor. Before the
2 witness responds, I would ask Mr. Cantwell stop editorializing
3 about his personal experience of asking these questions or
4 anything else.

5 THE COURT: Just a minute. I have to read this
6 because I can't understand you.

7 Okay. The objection was to your inserting comments,
8 characterizing and making statements. Just ask the question,
9 simple question.

10 BY MR. CANTWELL:

11 Q Okay. In this frame of the video, can you see yourself?

12 A I can no longer see myself.

13 Q Can you see any of the people who you earlier described as
14 having escorted you out of this situation?

15 A I'm really not sure. I think there's a lot of bodies
16 between myself and the camera, but I do see that, like, at this
17 point our circle has been broken.

18 Q Okay. All right.

19 (Video playing.)

20 We've obviously moved to another angle of video here.
21 If you can find yourself in this -- I know it's blurry, I'm
22 going to keep it in slow motion -- if you see yourself, holler.

23 A Will you begin the video again in slow motion?

24 Q I'll get back to this clip of it. Right?

25 A Okay.

D. Willis - Cross

1 Q Yeah, I'll go back to the last frame of the other segment.

2 (Video playing.)

3 A Yes, I see --

4 Q I'm sorry, say that again, please.

5 A I don't see myself exactly, but I see the crowd of people
6 that I'm with still.

7 (Video playing.)

8 Q At this point do you see yourself in that video?

9 A At this point you can see me in the crowd -- or me and my
10 friends have exited from the left.

11 Q Okay. So your friends have exited --

12 A Yeah. I think we're visibly trying to organize ourselves
13 and leave for the majority of this clip.

14 Q Did you go to the screen left or your left in the video?

15 A I went to my left in the video.

16 Q Your left in the video.

17 A So screen right.

18 Q So you went towards -- would that be where the "Students
19 act against white supremacy" sign was?

20 A Yes, I was moving in that direction.

21 Q So you moved in that direction. Okay.

22 A Yes.

23 (Video playing.)

24 MR. CANTWELL: The other one we stipulated to was
25 134, I think we said, right?

D. Willis - Cross

1 MS. CONLON: Yes.

2 BY MR. CANTWELL:

3 Q Let's pull up another video, Mr. Willis.

4 You're going to see some things that are not -- well, I
5 guess I should just get to the point where you are in --

6 THE CLERK: Are you going to move for the admission,
7 Mr. Cantwell?

8 MR. CANTWELL: I think we can show this to the jury.
9 We've stipulated to this, right? Do you want to publish this
10 one to the jury?

11 MS. CONLON: Yes.

12 MR. CANTWELL: Maybe -- would it be proper to have
13 him testify to what he sees in a video that he's not in? No?
14 Okay. So let me skip ahead a little bit.

15 THE COURT: Well, yes, he can -- if he sees a video
16 and he knows whether he's in it or not.

17 MR. CANTWELL: Well, the first portion of it --

18 BY MR. CANTWELL:

19 Q Mr. Willis, if you see a gun or you hear somebody say
20 "white power," let me know, okay?

21 A Yes.

22 (Video playing.)

23 Q Just so we're clear, at this point, you know where you are
24 in this video, right?

25 A Yes.

D. Willis - Cross

1 Q Would you mind circling yourself there?

2 A (Witness complies.)

3 Q Okay. Great.

4 Ms. Romero had described the sound as we were coming as if
5 like the earth was growling. You were able to hear the march
6 as it approached, right?

7 A Yes.

8 Q And I think, was it you that described -- I'm sorry, no,
9 that's Mr. Ware. I'm not going to make you answer for his
10 words. But suffice it to say -- well, were you nervous when
11 you started to hear people coming over those steps?

12 A Extremely nervous.

13 Q Okay.

14 (Video playing.)

15 A Could you pause the video.

16 Q Sure.

17 A There's a gentleman just walks by with something strapped
18 to his thigh. You have to rewind it a second or two.

19 Q Okay. We're at 5:33 here.

20 MR. CANTWELL: If I put this back in slow mo, do you
21 think that'll incur any objections from plaintiffs' counsel?

22 MS. KAPLAN: That's okay.

23 MR. CANTWELL: Okay.

24 (Video playing.)

25 BY MR. CANTWELL:

D. Willis - Cross

1 Q Do you think I should go back a little bit more, maybe?

2 A I think so.

3 Q All right. Let's do that.

4 (Video playing.)

5 We're at 5:29 here. And I'm pretty confident that was
6 before you said --

7 A Yeah. So can I circle the person?

8 Q Yes. Please do.

9 A It's more visible when he's in motion, but if you follow
10 him when you walk, you can see on his left thigh there's
11 something large and shiny.

12 (Video playing.)

13 Q Did we pass him again?

14 A Yeah, he's gone already. But, I mean, that was just...

15 (Video playing.)

16 There he was.

17 Q Okay. He's actually -- is this the guy you're talking
18 about?

19 A I think so.

20 Q Okay. All right. Now I've at least got the guy you're
21 talking about. I apologize to keep doing this. I just want to
22 be sure we got the right thing.

23 MS. CONLON: Your Honor, before we continue down this
24 road, I'm going to object to this line of questioning.

25 Mr. Willis has already -- I mean, it's clear Mr. Willis is not

D. Willis - Cross

1 in this portion of the footage, which is fine for playing it,
2 but asking him about his opinion about whether he can see a gun
3 on a blurry video and making us sit here four times while we go
4 through it, a video that doesn't capture everyone there and
5 isn't taken from Mr. Willis's perspective is irrelevant and
6 improper opinion. So we're going to ask that this stop.

7 THE COURT: Well, he's not asking an opinion, is he?
8 He's asking if he sees a firearm; is that right?

9 MS. CONLON: He's asking him to identify --

10 THE COURT: Well, what is your question?

11 MR. CANTWELL: The question was: Let me know when
12 you see the gun, because earlier Mr. Willis testified that he
13 saw numerous rally-goers carrying firearms. And I'm trying to
14 find those firearms.

15 MS. CONLON: Your Honor, we're going to be here all
16 day if we play an 11-minute video over and over again. It's
17 like a nightmarish Where's Waldo.

18 THE COURT: He can show him pictures and ask him if
19 he sees anyone with a gun. Obviously he can't see around a
20 person but that -- he can ask him if he sees anyone with a gun.

21 MR. CANTWELL: I'll move on. I'll move on. It's
22 okay.

23 THE WITNESS: I will say the question wasn't about
24 anyone with a gun. You just said the gun recently. But that's
25 neither here nor there.

D. Willis - Cross

1 BY MR. CANTWELL:

2 Q Fair point. So I'll take this out of slow mo and let's
3 just review the rest of the video.

4 (Video playing.)

5 Now, could you circle yourself in this video here, sir?

6 A Somewhere in this vicinity.

7 Q Okay.

8 (Video playing.)

9 Now, something happens in this video that we watched from
10 another angle earlier. And it happens right about here.

11 I just want you to keep your eye on that section of the
12 screen, okay?

13 (Video playing.)

14 Does that look at all familiar?

15 A (No audible response.)

16 Q It doesn't. Okay.

17 Suffice it to say, just from watching that video you just
18 watched, within that video, before that moment that I just
19 called out, did you see any violence happen up until that point
20 in this video?

21 A I don't think so.

22 Q Okay. And you recognize these people by now, right? Not
23 that you know them, but we saw them on other videos, right, the
24 guy with the blue shirt and the orange long sleeves?

25 A We saw them on other videos.

D. Willis - Cross

1 Q Yeah. Okay.

2 (Video playing.)

3 MR. CANTWELL: I think I may want to call Mr. Willis
4 again when I put on my case, but that's all my questions for
5 now. Thank you, Judge.

6 THE COURT: Thank you.

7 MR. CANTWELL: Thank you, Mr. Willis.

8 THE COURT: Mr. Campbell?

9 CROSS-EXAMINATION

10 BY MR. CAMPBELL:

11 Q Good afternoon, Mr. Willis.

12 A Good afternoon.

13 Q Pardon me. Good afternoon. I represent James Fields. I
14 just had a couple of questions for you, Mr. Willis.

15 I believe you said you saw the car attack on the news; is
16 that correct?

17 A Yes, sir.

18 Q All right. So from that I can infer you were not actually
19 hit by Mr. Fields's car, correct?

20 A I was not hit by the vehicle.

21 Q And you were not in the crowd of people at Fourth and
22 Water Street at the time of the car attack, correct?

23 A That's correct.

24 MR. CAMPBELL: Thank you, sir. That's all the
25 questions I have.

D. Willis - Cross

1 THE WITNESS: Thank you.

2 MR. SMITH: Your Honor, I believe Mr. Woodard is
3 next.

4 THE COURT: Mr. Woodard represents Mr. Kessler?

5 MR. SMITH: Yes. He's in for Mr. Kolenich today.

6 THE COURT: Mr. Woodard is on Zoom. And he's going
7 to -- Mr. Kolenich, who also represents Mr. Kessler, could not
8 be here, but Mr. Woodard is his co-counsel, but Mr. Woodard is
9 on Zoom and he will question the witness.

10 Go ahead, Mr. Woodard.

11 MR. WOODARD: Can you hear me, Judge?

12 THE COURT: Yes, I can.

13 MR. WOODARD: Okay. Thank you.

14 CROSS-EXAMINATION

15 BY MR. WOODARD:

16 Q Mr. Willis, I want you to focus on the beginning of this,
17 when you're there having a spaghetti and soup dinner. That's
18 the time we're talking about, okay?

19 A Really quickly, I'd just like to make it clear that no one
20 is on my screen.

21 MS. CONLON: Is that something we can fix?

22 MR. WOODARD: I can see me.

23 MS. CONLON: Is there a way for us to have
24 Mr. Woodard appear on the screen in front of the witness?

25 THE COURT: That's what we're trying to do.

D. Willis - Cross

1 Mr. Woodard, can you move so that you're more in the
2 middle of your screen?

3 That's better.

4 MR. WOODARD: How's that?

5 THE COURT: That's better. Something was blocking
6 you on my screen. That's good.

7 MS. CONLON: May I ask if it's on the witness's
8 screen?

9 THE COURT: No.

10 MS. CONLON: Oh, it's still not.

11 THE COURT: Can we get Mr. Willis's screen, the
12 witness's screen?

13 THE CLERK: We're working on it.

14 THE COURT: All right. Mr. Woodard, you may proceed.

15 BY MR. WOODARD:

16 Q Mr. Willis, I'd like to focus on the point in time when
17 you are at the UVA professor's house with your spaghetti and
18 soup dinner; is that okay?

19 A That is okay.

20 Q Now, before that point in time, had you ever met Jason
21 Kessler?

22 A I had never met Jason Kessler before that.

23 Q Had you ever seen Jason Kessler?

24 A Only online.

25 Q So your answer is yes?

D. Willis - Cross

1 A Yes, online.

2 Q Okay. Did you see images of him, photographs of his face?

3 A Yes.

4 Q Would you have recognized him out on the street?

5 A It's possible.

6 Q Okay. Now, what did you know about Mr. Kessler before the
7 soup and spaghetti dinner?

8 A There was no soup.

9 I knew that he was from Charlottesville and that he was an
10 organizer of Unite the Right. He had done some rallies in the
11 area for a long time, or for a while.

12 I knew what his face looked like because he did a lot of
13 livestreams and Instagram Lives and things like that.

14 Q Okay. Now, so correct me if I'm wrong: You're at the
15 spaghetti-only dinner, and someone bursts into the room with
16 the news that Kessler and a handful of people are going to be
17 at the monument shortly; is that the situation?

18 A Yeah, I remember someone came in, and then a little while
19 later there was an announcement.

20 Q Okay. Did the person who came in make the announcement?

21 A I actually don't remember. I don't think so.

22 Q So -- and I believe you testified that y'all were busy
23 making the "UVA students against white supremacy" sign; is that
24 right?

25 A Yeah, that and some other signs, I believe.

D. Willis - Cross

1 Q Okay. And so what was the compelling reason you left your
2 nice spaghetti dinner and sign-making -- I'll call it a party,
3 but that's not really the right word. You chose to leave that
4 and go down to the monument, correct?

5 A Correct.

6 Q And what was -- what was it about Kessler and his handful
7 of people that was so compelling about you leaving that nice
8 situation and going out there to the monument?

9 A What was it about Kessler, is your question, that made me
10 protest him?

11 Q No. You had two choices here: You could stay there with
12 the after-dinner glow of the spaghetti, or you could hop in a
13 car and go some distance to the monument to do something
14 concerning Mr. Kessler.

15 Why was going to the monument more important than your
16 spaghetti dinner afterglow?

17 A Well, to answer your question -- I think I touched on this
18 earlier -- I had two major motivations.

19 Like, one, I disagree with what Kessler stands for and I
20 wanted to do a peaceful demonstration when I heard that he was
21 having his own demonstration at my school.

22 And then, two, like, camaraderie. To be with my friends.
23 And my friends also felt like a counter-demonstration was
24 necessary, and I wanted to join my friends.

25 Q Okay. So would it be fair to say it was a combination of

D. Willis - Cross

1 peer pressure and that y'all wanted to go down and
2 counter-protest?

3 A I wouldn't agree to peer pressure. We all had that in
4 common. We didn't think Kessler's message was cool.

5 Q Okay. And so you decided to go down there and do
6 precisely what?

7 A Wave our new sign. Sing some chants. Counter-protest
8 peacefully.

9 Q Okay. Okay. Now, so you got in your car -- well, let me
10 go back.

11 So correct me if I'm wrong: You went down there to
12 exercise your right to free speech, right?

13 A That is correct.

14 Q Okay. So you get in your car. You said you drove for
15 a ways and then had to get out and walk; is that right?

16 A I didn't drive, but yes, that's correct.

17 Q Well, you rode in a car?

18 A Yes.

19 Q Okay. So you get down there. Is it light or dark
20 outside?

21 A It's dark.

22 Q Okay. So you get there and you park, I believe on the
23 street, and you walk up the steps; is that right?

24 A What's that? I don't think so. Do you mean park on the
25 street and then walk up the steps of the Rotunda?

D. Willis - Cross

1 Q To the monument, the Jefferson monument.

2 A I'm --

3 Q That's how you got --

4 A No. I'm walking down some steps to get there.

5 Q Okay. So you came down the Rotunda steps?

6 A No, sir. I came from East Range.

7 Q Okay. All right. So you get there to the monument.

8 That's the point in time I'm talking about.

9 Now, I need to interrupt, and let's make sure we've got
10 the space right here.

11 You're familiar with where the Rotunda is vis-à-vis the
12 Jefferson monument, correct?

13 A Yes.

14 Q And Thomas Jefferson himself faces north, correct?

15 A I don't remember which direction his face is facing.

16 Q Okay. Well, the Rotunda is on the south face of the
17 monument, correct?

18 A Correct.

19 Q And the sign and the sign people set up their sign on the
20 south face of the monument, correct?

21 A Correct.

22 Q So the west face of the monument -- from the Rotunda, the
23 west face of the monument would be to the left, correct?

24 A Correct.

25 Q And the east face of the monument would be to the right,

D. Willis - Cross

1 correct?

2 A Correct.

3 Q And towards the end of this thing, you and the sign people
4 went over to a bright light and set your sign back up, and that
5 was towards the east, correct?

6 A I don't know what the "bright light" is about; but we did
7 move our sign to the east, yes.

8 Q All right. Now, when you arrived at the monument, how
9 many people were there?

10 A I don't remember exactly. Not many.

11 Q Five to ten?

12 A I really couldn't say. More than ten.

13 Q 15?

14 A Really not sure. Of my friends, people that I knew, it
15 was about ten of them.

16 Q Okay. Okay. And that number increased over time, didn't
17 it?

18 A Yes.

19 Q And ultimately, there were probably -- what, 40 or 50 of
20 your counter-protesters there, which includes your ten; is that
21 right?

22 A No, that's not right. It was way less.

23 Q 30?

24 A Of people that I knew that were my friends who --

25 Q No. No. That wasn't the question. How many people

D. Willis - Cross

1 total, or how many counter-protesters total, got there?

2 A At the base of the statue, if I had to ballpark it, if you
3 insist, maybe 15 to 20.

4 Q That's when you arrived, right?

5 A No, that was after we had everybody. It was probably ten
6 when I arrived. I came with one car full of people.

7 Q Okay. So it was about ten total when you arrived, and
8 then Natalie Romero and her car of people showed up, right?

9 A They were there before us.

10 Q Okay. So the ten includes Natalie Romero and her vehicle?

11 A To my knowledge, yes.

12 Q Okay. Now, over the next -- well, until -- looking at the
13 time between when you arrive and when you went out to the east
14 and set up your sign again, a whole bunch more
15 counter-protesters arrived, didn't they?

16 A Could you repeat your question?

17 Q Between the time you arrived at the monument and the time
18 you went out and set up your sign upside down by the east
19 light, more counter-protesters arrived, didn't they?

20 A I don't really know if I would describe those people as
21 counter-protesters. I don't know who they are.

22 Q Were they carrying torches?

23 A No.

24 Q And they didn't come down with the rest of the torchlight
25 parade, did they?

D. Willis - Cross

1 A No.

2 Q And they stood right in front -- some of them stood right
3 in front of you, didn't they?

4 A Yes.

5 Q And then there was a space, and then there were all the
6 guys with the torches, correct?

7 A For the most part, yes.

8 Q Okay. And by the time you all went through the crowd and
9 set up your sign upside down again, how many total people were
10 there clustered around the base of the monument?

11 A I really would not know. I could only see the handful
12 that were standing near me. After we had returned from the
13 monument, the torches went out, so it was unclear who was who.

14 Q Okay. But my question goes to how many people.

15 I understand you could only see the ones around you, but
16 you went from the west side of the monument all the way to the
17 east side of the monument. So you covered half of it?

18 A And I talked about how, when we were doing that, I
19 couldn't see a thing because my friends were protecting me from
20 all sides.

21 Q Well, we're not talking about when you left the monument
22 and went to the east light. We're talking about when you left
23 the west side of the monument, when the fighting broke out, and
24 moved to the east side of the monument?

25 A I don't understand what the question is.

D. Willis - Cross

1 Q You were on the west side of the monument, correct?

2 A Initially, yes.

3 Q And you were linked arms, correct?

4 A That's correct.

5 Q So you were on the west side of the monument up until
6 about the time that the fighting broke out on the southwest
7 corner; is that right?

8 A Yes. That is correct.

9 Q And then you left the west side of the monument, traveled
10 around the south face, and then wound up on the east face,
11 correct?

12 A That is correct.

13 Q And so you would have -- you would have traveled through
14 everybody that was around the monument from west to east,
15 correct?

16 A I suppose, yes.

17 Q And the people who were on the north and east side of the
18 monument, most of them wound up on the east side, correct?

19 A I don't know.

20 Q Well, were you standing on the east side of the monument
21 alone?

22 A No, sir, but I told you I couldn't see anything.

23 Q Okay. Okay. Now, when you got out there by the east
24 light -- well, strike that.

25 Okay. Let's go back to -- let's go back in time to when

D. Willis - Cross

1 you arrived. You link arms with the people who were chanting,
2 and you start chanting; is that right?

3 A That is right.

4 Q And one of the people you have linked arms with was
5 Ms. Romero, correct?

6 A Correct.

7 Q And you had -- I'm going to use ten for the number of your
8 guys, okay?

9 And so you had ten people chanting around the base of the
10 monument, correct?

11 A Not immediately. The chanting began once we saw tiki
12 torches.

13 Q Okay. Now, let's stop right there.

14 When you first saw the tiki torches, had you seen Jason
15 Kessler at any time that night?

16 A Not to my knowledge.

17 Q Is your answer no, you hadn't seen him?

18 A Not to my knowledge; I don't think so.

19 Q Well, no, you don't think so? Do you remember seeing him
20 or not?

21 A I don't remember seeing him.

22 Q Okay. All right. So let's go to the time when the tiki
23 torches arrive.

24 A Okay.

25 Q Okay. You're still on the west face of the monument,

D. Willis - Cross

1 correct?

2 A Correct.

3 Q And you're still linked arms with Natalie, correct?

4 A You said at the time when the tiki torches are still up?

5 Q They're arriving.

6 A Yes, I'm still on the west face.

7 Q And you're still linked arms with Natalie, correct?

8 A Yes.

9 Q And you all are chanting "no Nazis, no KKK, no fascist
10 USA," correct?

11 A That was one of the chants. I don't know what order the
12 chanting was in. I think the first one was "black lives
13 matter."

14 Q Okay. Well, y'all are chanting?

15 A Yes, sir.

16 Q And y'all are chanting pretty loud, aren't you?

17 A Yes.

18 Q And you remember seeing the video that Mr. Cantwell just
19 showed you where the camera was sort of at the top of the steps
20 of the Rotunda, correct?

21 A Yes.

22 Q And isn't it true that you could hear from that microphone
23 the sort of 50/50 y'all chanting and 50/50 whatever the torch
24 guys had?

25 A In that video, that's how it sounds, yes.

D. Willis - Cross

1 Q Okay. So would you say it was pretty loud?

2 A Our chant?

3 Q Well, the whole scene.

4 A The whole scene was pretty loud.

5 Q Okay. Now, up until this point, you told me you didn't
6 see Jason Kessler. Did you hear Jason Kessler?

7 A I don't know what he would have sounded like.

8 Q Well, you said you -- you said you were familiar with him
9 online because he had given a bunch of livestreams and
10 podcasts, I think. So you would be familiar with his voice,
11 correct?

12 A Not particularly familiar with it. And I don't think I
13 would have been able to pick it out of that many voices.

14 Q Okay. So if I asked you the question, did you hear Jason
15 Kessler's voice, your -- would your answer be no?

16 A My answer would be I'm not sure, because I could have or I
17 could not have. I wouldn't have been able to ID his voice,
18 were I hearing it or not.

19 Q So as far as you can tell, you didn't hear a recognizable
20 Jason Kessler voice; is that correct?

21 A That's correct.

22 Q Okay. Let's pause right there for a second.

23 Now, you had been told that it was going to be Kessler and
24 a handful of people, correct?

25 A Correct.

D. Willis - Cross

1 Q And as these tiki torches are coming down the Rotunda,
2 it's a whole heck of a lot more than Jason Kessler and a
3 handful of people, isn't it?

4 A Yes, a lot more.

5 Q And -- say again?

6 A A lot more.

7 Q Okay. And so the person who gave you that information
8 about Jason Kessler and a handful of people that you wanted to
9 run down and confront, that turned out not to be the case,
10 didn't it?

11 MS. CONLON: Objection, argumentative.
12 Mischaracterizes testimony.

13 THE COURT: Sustained.

14 MS. CONLON: Move to strike.

15 MR. WOODARD: I'll rephrase it, Judge.

16 BY MR. WOODARD:

17 Q So correct me if I'm wrong: The information that you were
18 given about it being Jason Kessler and a handful of people
19 turned out to be incorrect, right?

20 A I think whoever said it was a handful was mistaken.

21 Q Okay.

22 Now, let's focus on the time between the torches start
23 coming down the Rotunda steps and the time you were out there
24 by the eastern light with the sign upside down, okay?

25 Do you understand that?

D. Willis - Cross

1 A Could you repeat that, please?

2 Q From the time the torches start coming down the steps to
3 the time you all had made it out by the eastern light and had
4 your sign back up.

5 A Okay.

6 Q That's the time we're talking about.

7 Did you see Jason Kessler at any time during that time?

8 A I don't know.

9 Q Did you recognize Jason Kessler?

10 A I did not recognize anyone in the crowd as Jason Kessler
11 that I saw.

12 Q Did you recognize the voice of Jason Kessler?

13 A I did not recognize the voice of Jason Kessler because I
14 didn't know it that well.

15 Q Okay. Okay. Now, I want to focus on the time period
16 after you were out there by the eastern light with your sign.

17 A Okay.

18 Q Are you with me? From that period on until the police
19 cleared the area, did you see or hear, or did you see
20 Mr. Kessler or recognize his voice?

21 MS. DUNN: Objection, Your Honor. Asked and
22 answered. This witness has already said he doesn't know if he
23 saw him. He doesn't know if he heard him. We can speed this
24 up by just moving on.

25 THE COURT: Sustained.

D. Willis - Cross

1 MR. WOODARD: Your Honor --

2 THE COURT: You can answer this question and then
3 let's move on.

4 MR. WOODARD: Yes, sir. That was --

5 THE COURT: If you can answer the question one more
6 time.

7 MR. WOODARD: Say it again, please.

8 THE COURT: I was speaking to Mr. Willis.

9 THE WITNESS: Yes. I'll answer the question again.
10 I did not see or hear Jason Kessler, to my knowledge, on the
11 east side of the statue after we had been driven off of it.

12 BY MR. WOODARD:

13 Q Okay. Now, you have said that in your transit from the
14 base of the statue towards the eastern light that -- I'm going
15 to call them the sign people, for lack of a better term -- you
16 said the sign people clustered around you to protect you; is
17 that right?

18 A That's correct.

19 Q Was Natalie with you then?

20 A Natalie was right next to me.

21 Q Okay. So correct me -- so isn't it true that Natalie was
22 in the center of that group and you were on the right flank of
23 that group?

24 A I don't think that's true. Are you talking about when our
25 friends are protecting us?

D. Willis - Cross

1 Q When you're transiting from the base of the monument to
2 the eastern light.

3 A Me and Natalie were side by side at the center of the
4 circle, yes.

5 Q And you were on her right, correct?

6 A I don't remember.

7 Q And isn't it true that one of the sign people stopped and
8 turned around and yelled "black lives matter" at the crowd,
9 instead of protecting you?

10 A I don't remember.

11 Q Thank you. I'm not sure if I'm done. Let me check my
12 notes here.

13 One thing I would like to try to clear up, Mr. Willis, is
14 I'm confused about when you say that you were pepper-sprayed.

15 A Pepper-sprayed shortly before and during the exit.

16 Q Now, was that on the east side of the monument or the west
17 side of the monument?

18 A So the pepper spray would have begun on the west side of
19 the monument, but continued through our transition to the east
20 side. They were pepper-spraying the people who were protecting
21 me, but it's like a human body doesn't stop a large amount of
22 pepper spray.

23 Q You're just confusing me even more, Mr. Willis.

24 A I apologize.

25 THE COURT: Well, no, don't comment, Mr. Woodard.

D. Willis - Cross

1 MR. WOODARD: Yes, sir.

2 THE COURT: Ask him a question.

3 BY MR. WOODARD:

4 Q So you were on the west face of the monument, correct?

5 A Correct.

6 Q And you went around the south face of the monument to the
7 east face of the monument?

8 A Correct.

9 Q And were you hit repeatedly with streams of pepper spray
10 or did you move through clouds of pepper spray?

11 A I don't think I'd be able to know the difference.

12 Q Okay. So it's possible that you were moving through a
13 residual cloud of pepper spray; isn't that right?

14 A That is possible.

15 Q Now, when you were transiting around the southeast corner
16 of the monument, did you see a man in a dark green shirt
17 wearing a stocking cap?

18 A Dark green shirt wearing a stocking cap?

19 Q Right on the southeast corner.

20 A I don't know. Probably not.

21 MS. KAPLAN: Your Honor, may I approach the witness
22 and give him a bottle of water?

23 THE COURT: You may.

24 THE WITNESS: Please continue.

25 BY MR. WOODARD:

D. Willis - Cross

1 Q Did you see the man in the green shirt and stocking cap
2 pepper-spray another person in a shirt that was almost the same
3 color, but had black hair and glasses, over there by the
4 southeast corner?

5 A I don't remember if I saw something like this.

6 Q Well, okay. But you do remember you getting
7 pepper-sprayed over there?

8 A Yes.

9 Q Okay. Now, how long after you got over there -- well,
10 strike that. How long between the time you were on the east
11 face of the monument and the time that you made it out of the
12 crowd toward the eastern light?

13 MS. CONLON: Objection, asked and answered.

14 THE COURT: Overruled. Answer the question.

15 MR. WOODARD: What was your ruling, Judge?

16 THE COURT: I instructed the witness to answer the
17 question.

18 THE WITNESS: I apologize, Judge. Your Honor, I did
19 not hear you.

20 I don't know how much time it took.

21 BY MR. WOODARD:

22 Q Can you make an estimate?

23 A Probably took a minute for us to get out of there.

24 Q Okay. And did you -- while you were on the eastern face
25 of the monument, before you left it, there was another pepper

D. Willis - Cross

1 spray release, correct?

2 A I don't remember. I just remember that there was pepper
3 spray on the way, like more so on the south side.

4 Q Okay. Do you remember hearing somebody say, "Antifa
5 gassed themselves"?

6 A No.

7 Q Okay. Mr. Willis, are you familiar with the Oktoberfest
8 Torchlight Parade in La Crosse, Wisconsin?

9 A No, sir.

10 Q Are you familiar with the Seattle Seafair torchlight March
11 2021 in Seattle, Washington?

12 A No.

13 Q Are you familiar with the Deer Valley ski resort
14 torchlight march in Windsor, Connecticut?

15 A No.

16 MS. CONLON: Objection, Your Honor. I'm not sure
17 what any of these other things have to do with this case.

18 THE COURT: I don't either and I don't want to know.
19 I'm hoping he'll get through it and we'll be through with it.

20 MR. WOODARD: Your Honor, I have one more question to
21 ask. Can I ask it?

22 THE COURT: Go ahead.

23 BY MR. WOODARD:

24 Q Are you familiar with the Spokane, Washington torchlight
25 parade?

D. Willis - Cross

1 A No.

2 MR. WOODARD: Those are all my questions.

3 THE COURT: All right. Thank you.

4 All right. Members of the jury, we're going to take
5 about a 20-minute recess now.

6 **(Jury out, 3:03 p.m.)**

7 (Recess.)

8 THE COURT: Call the jury.

9 **(Jury in, 3:27 p.m.)**

10 THE COURT: All right. You may be seated.

11 Mr. Smith?

12 CROSS-EXAMINATION

13 BY MR. SMITH:

14 Q Good afternoon, Mr. Willis. Thank you for being here.

15 A Good afternoon.

16 Q Can everybody hear me okay?

17 Great.

18 So I just have some assorted questions for you.

19 What's a white supremacist?

20 A Someone who believes that white people are inherently
21 superior to all other people.

22 Q To all other people?

23 A Yes.

24 Q Okay. Do you believe that individual races, on average,
25 excel at certain things as compared to others?

D. Willis - Cross

1 MS. CONLON: Objection, Your Honor.

2 MR. SMITH: It's just a reasonable question following
3 up from his last answer.

4 THE COURT: Overruled. Go ahead.

5 THE WITNESS: I don't believe that any one group or
6 race of people is predetermined to excel at one thing or
7 another.

8 BY MR. SMITH:

9 Q Okay. When did you first come to be aware of the name
10 David Matthew Parrott?

11 A I don't remember.

12 Q Okay. Do you recognize that name?

13 A Yes.

14 Q How do you recognize it?

15 A I recognize David Matthew Parrott as a defendant in this
16 case.

17 Q Is there any other way in which you recognize him?

18 A I just don't know enough about the guy.

19 Q Okay. Matthew Heimbach?

20 A I've seen -- yeah, I know Matthew Heimbach from the case
21 and from opening statements, and from videos of him.

22 Q Okay. And the Traditionalist Worker Party -- it keeps on
23 doing that. Maybe I'm getting too close to the mic.

24 The Traditionalist Worker Party, do you recognize that
25 name at all?

D. Willis - Cross

1 A I do recognize the name.

2 Q Okay. How do you recognize it?

3 A I recognize them as a defendant in the case, and I've,
4 like, done more, like, research to learn about them over the
5 years.

6 Q So there was the -- this case seems to be divided up
7 into -- there's the torchlight rally on the 11th, right, and
8 then there is -- August 11th, and then there's the UTR rally on
9 August 12th during the day, right?

10 With regard to the torchlight rally, do you remember
11 seeing Mr. Parrott, Mr. Heimbach, or any member of his
12 political party there?

13 A No, because I don't know their faces.

14 Q Okay. My clients told me not to ask this, but I really
15 want to ask it anyway --

16 MS. CONLON: Objection, Your Honor. I'm going to ask
17 that Mr. Smith refrain from remarks like that.

18 THE COURT: Disregard the comment about whether his
19 clients wanted him to ask or not.

20 BY MR. SMITH:

21 Q I just have to ask: What do you think of Thomas
22 Jefferson?

23 MS. CONLON: Objection, Your Honor. We've been
24 through this. We've heard multiple people ask Mr. Willis about
25 Mr. Jefferson.

D. Willis - Cross

1 MR. SMITH: Well, I have my own way of asking about
2 this.

3 MS. CONLON: It's hardly relevant at this point.

4 MR. SMITH: It's the statue that they were gathered
5 around on Friday night.

6 THE COURT: I think he's expressed how he feels about
7 Jefferson. I don't think it would help to do it again.

8 Go ahead. Answer the question.

9 THE WITNESS: Thank you, Your Honor.

10 Oh, you want me to answer the question?

11 THE COURT: Yes, sir.

12 THE WITNESS: I think Thomas Jefferson has a
13 complicated legacy. He's done a lot of good things and bad
14 things.

15 BY MR. SMITH:

16 Q So why did you gather around the statue of Jefferson that
17 night?

18 A I was mostly following the lead of my peers.

19 Q Well, were they trying to preserve the statue or
20 something? Were people attacking the statue, and so you linked
21 hands around it so as to preserve it or stop people from
22 attacking the statue or something?

23 A I think all of my friends and peers were there for
24 different reasons.

25 Q Is it possible they didn't really think that through?

D. Willis - Cross

1 MS. CONLON: Objection, speculation.

2 THE COURT: Sustained.

3 MR. SMITH: Okay.

4 BY MR. SMITH:

5 Q When you say things like "no fascist USA," do you think
6 people are alarmed to hear such a thing?

7 A Not generally. I think -- yeah.

8 Q I mean, just to be clear, are you saying that you believe
9 that the United States in its current form is a fascist nation?

10 A No. I think the chant just means I'd prefer not to live
11 in a fascist version of the USA.

12 Q I see. And are you saying that you believe that exists
13 currently, and so you don't want to live in it now, or you
14 don't want it to become that, or what -- what exactly are you
15 saying?

16 A I think I'm saying that -- well, for me, when I'm
17 speaking, I'm saying I don't want it to become a fascist
18 country.

19 Q I see.

20 You said that, at the Klan rally that you attended, there
21 were people chanting "cops and Klan go hand in hand." Was that
22 you that said that?

23 A That was not me.

24 Q Okay. Do you remember that?

25 A I don't.

D. Willis - Cross

1 Q Okay. On page 173 of Friday's transcript you said that --
2 oh --

3 MS. CONLON: Sorry. Go ahead.

4 MR. SMITH: Do you guys have the transcript?

5 MS. CONLON: Can you point to us the line number you
6 want?

7 MR. SMITH: Yes. I'm looking at line number 9. Can
8 you put that on the screen?

9 I don't know how well it's going to come up there,
10 but I have highlighted the portion of the transcript I'm
11 talking about.

12 BY MR. SMITH:

13 Q You say, "I'm not Jewish, but I know that 'you will not
14 replace us,' I think it's something white supremacists are
15 known for saying, and it's this idea that everybody who is not
16 also white is trying to replace them, which is" -- and you
17 didn't finish that sentence.

18 I thought you did, and I asked if you had said something
19 else, but you said no. You sort of stopped at "which is."

20 Could you finish that sentence for us?

21 A I don't remember what I was going to say, but let me look.

22 Q Sure.

23 A Oh, yeah. If I really had to finish it, I would just
24 probably say, "which is false."

25 Q Okay. Why do you think it's false?

D. Willis - Cross

1 A I think that -- I don't know what's in a white
2 supremacist's or a white nationalist's head when they say "you
3 will not replace us," exactly, but my understanding is that a
4 lot of it is, like, worried about literal being replaced, like
5 from immigration and what -- like that. And I don't think
6 people immigrate here to replace white people.

7 Q Is it really about intention?

8 MS. CONLON: Objection, vague. I'm honestly not sure
9 what that question means.

10 THE COURT: Well, I don't know if it means --

11 MR. SMITH: I'll withdraw the question, Your Honor.
12 I'll withdraw the question.

13 BY MR. SMITH:

14 Q On page 157 of the transcript -- I'll just head down to
15 that, if that's -- if we could take it off of the screen for
16 just one second so I can change.

17 On page 157 you said that: "It's like you feel sort of
18 indignant" -- it's at the bottom of the page, actually, or --
19 I'm looking at page 157, line 24.

20 "It's like you feel sort of indignant that these
21 people" -- I assume you mean the protesters that day -- "these
22 people want to, like, exercise their right to use hateful
23 speech and spread hateful ideologies."

24 What do you mean by "hateful speech"?

25 A Would you like an example, like, what I mean by "hateful

D. Willis - Cross

1 speech"?

2 Q No.

3 A Oh, sure. I understand.

4 I think by "hateful speech," I mean speech that's not
5 protected under the First Amendment, like hate speech, slurs,
6 death threats, things that don't have any constructive purpose.

7 MR. SMITH: Your Honor -- do you believe -- sorry.

8 BY MR. SMITH:

9 Q Do you believe that slurs, as you call them, are not
10 protected under the United States Constitution?

11 MS. CONLON: Objection, Your Honor. It's not a
12 civics class.

13 THE COURT: Sustained.

14 MS. CONLON: Mr. Willis isn't a lawyer.

15 THE COURT: Sustained.

16 THE WITNESS: Yeah, I really don't know. I could be
17 mistaken, but...

18 MS. KAPLAN: He said "sustained." If he says
19 "sustained," you don't have to answer.

20 MR. SMITH: It's okay.

21 THE WITNESS: Sorry. I didn't hear him well.

22 BY MR. SMITH:

23 Q Mr. Cantwell turned everyone's attention to an article
24 earlier. And in that article, you're quoted. You said that:
25 "I understand that the letter of the law" -- well, this is in

D. Willis - Cross

1 regards to the University of Virginia sort of not wanting to
2 pursue any kinds of charges against the people that were
3 involved in the torchlight rally. And you said that -- you
4 were upset with that?

5 A I don't know what article we're talking about.

6 Q Oh, it's called -- it's by Michael Bragg. It's called
7 "Students who confronted torch-bearers demand UVA take action."
8 It's from August 19th, 2017. It was published in *The Daily*
9 *Progress*, which I believe is a newspaper around here?

10 A Yes.

11 Q Yes? Okay.

12 And so at the end of that --

13 MR. SMITH: Do we have that -- can I take out that
14 thing on the side?

15 Thank you.

16 BY MR. SMITH:

17 Q Okay. So this page right over here, which would be --
18 does everyone have that?

19 So you say: "I understand that the letter of the law is
20 important to the administration at UVA, but I think virtue
21 should be their priority."

22 What did you mean by that?

23 A I think I meant that -- I'm sorry.

24 MS. CONLON: Your Honor, I would ask that Mr. Smith
25 show Mr. Willis the portion directly above the quotation for

D. Willis - Cross

1 context, since we can only see a small bit of the page here.

2 MR. SMITH: Yeah, sure. I think that's a great idea.

3 May I approach the witness?

4 MS. CONLON: There's a few sentences right above this
5 one.

6 THE COURT: You may.

7 MR. SMITH: This is the part I just read.

8 (Discussion off the record.)

9 MS. CONLON: Thank you.

10 MR. SMITH: Sure.

11 THE WITNESS: Yeah. So in the section above I say,
12 "I'm frustrated by the trend of the University adopting a
13 passive attitude about the kind of environment we have here at
14 UVA." And I think that's what I mean.

15 I think that the letter of the law is important, and
16 that's why I say it. And I just talked about the fact that
17 virtue is important, too, and that there's a way, I think, that
18 they could have handled things more virtuously and more
19 obviously on the side that's not hateful.

20 BY MR. SMITH:

21 Q Okay. On page 176 of that testimony, you say: "I think
22 torches and mobs are very well-known things, and -- yeah, the
23 torches, that's a weird thing to use."

24 I'm on page 176, line -- starting on line 4.

25 You say it's a very weird thing to use. Why would you say

D. Willis - Cross

1 that?

2 MS. CONLON: Your Honor, if Mr. Smith is going to
3 quote Mr. Willis's testimony, I'd ask he include the question
4 in addition to the answer, just for context for the witness,
5 who does haven't a transcript in front of him.

6 MR. SMITH: Is it not coming up on the screen?

7 MS. CONLON: Unless you can see it.

8 THE WITNESS: I have it at this time, yes.

9 MR. SMITH: Is it blurry for anybody? Can everybody
10 see it up there?

11 MS. CONLON: It's very blurry, but --

12 MR. SMITH: Okay. If you can't read it or something,
13 let me know. I'm looking right up there.

14 THE WITNESS: Could you repeat the question, please?

15 MR. SMITH: Yes.

16 BY MR. SMITH:

17 Q So the question there was: "What about the rally-goers,
18 the torchlight rally-goers, made it look like a lynch mob to
19 you?"

20 You said: "I think torches and mobs are very well-known
21 things and -- yeah, the torches, that's a weird thing to use.
22 It's 2000-whatever. You can have a flashlight on your phone.
23 Fire is a very intentional thing, and it's a very scary thing."

24 What did you mean by "torches, that's a weird thing to
25 use"?

D. Willis - Cross

1 A I guess I just mean that, like, you know, there's not
2 really any circumstances in 2000-whatever, 2017, that demand
3 fire as, like, the primary mode of lighting a thing. Like,
4 there's phone flashlights. There's light almost everywhere.
5 So fire is an intentional thing to use.

6 To me, it seems like that was an intentional choice to
7 hearken back to days of Klan lynchings and other famous
8 incidents of mob violence.

9 Q Does the Klan have a monopoly on torches?

10 MS. CONLON: Objection, argumentative.

11 THE COURT: Sustained.

12 BY MR. SMITH:

13 Q Do you believe that the Klan is the only group to have
14 used torches at all, for anything, ever?

15 A No.

16 Q Okay. Other than a light on a phone, what other ways can
17 one light the way in front of them for a nighttime political
18 rally?

19 A I'm not sure. Yeah, I'm not sure.

20 Q Okay. Could one use a flashlight -- not one on a phone,
21 but just one that you would hold, like a Maglite flashlight or
22 something?

23 A Sure.

24 Q One could use a candle, perhaps, or a lighter, like a --
25 you know, a Bic lighter or something, holding it up to light

D. Willis - Cross

1 the way in front of them, right? It would be pretty small, but
2 they could do it?

3 A Maybe, like, a lantern that isn't an open flame.

4 Q Sure, something like that.

5 A Pretty popular option.

6 Q But ultimately, there aren't a ton of ways that you could
7 light the way in front of you, right?

8 A I think we named a few.

9 Q So they chose torches?

10 A I think it seemed like a choice.

11 Q Do you believe that it made a lasting -- do you believe
12 that that aesthetic had a lasting effect?

13 A On me, certainly.

14 Q On people in general?

15 MS. CONLON: Objection, calls for speculation.

16 THE COURT: Sustained. I don't know what --

17 MR. SMITH: Your Honor, here's where I'm getting.

18 BY MR. SMITH:

19 Q Would you say that people seem to remember the torchlight
20 rally because of that torch aesthetic?

21 A I think they remember the rally for a lot of reasons.

22 Q Okay.

23 A But I would say the torches are effective.

24 Q Okay. Let's turn to August 12th, UTR, the daytime event.

25 You know what? I've got one more question about that

D. Willis - Cross

1 whole torchlight thing, because no one asked it, and I just --
2 I have to know.

3 Did at any point in time when -- so my understanding is
4 that you're there, right, you're joining hands around the
5 statue, and there's people around you, right?

6 At any time, did you just try to walk past them to walk
7 out of the situation?

8 A Repeat the question, please.

9 Q At any time while you were -- so you were linking arms
10 around the Jefferson statue, right? And there were people
11 around you. At any time, did you just try to walk past them to
12 withdraw yourself from the situation?

13 A No.

14 Q Okay. Did you consider doing that?

15 A No.

16 Q Okay. You know, let's go to the 12th.

17 You mentioned in your testimony -- and I don't need exact
18 words here or anything. But you mentioned that you had helped
19 plan one of the -- one of the sort of other permitted events
20 that were occurring on the 12th, correct?

21 A That is correct.

22 Q And you mentioned it was in McGuffey Park, correct?

23 A That's correct.

24 Q And there was -- you mentioned this organization called
25 the PARJ, P-A-R-J?

D. Willis - Cross

1 A That's correct.

2 Q Is it just a coincidence that it's, like, Park with a J at
3 the end, and that's the letter before K or something?

4 A I actually never noticed that before.

5 Q Oh, okay. I didn't know what it was.

6 So it was People's Action for Racial Justice.

7 What does "racial justice" mean, by the way?

8 A It means different things to different people.

9 Q What does it mean to you?

10 A Probably equity. Equity -- equitable outcomes for all
11 groups.

12 Q Okay. You seemed proud of the work that you had done
13 with -- I can't remember his name. Mr. -- you helped -- he was
14 the one that got the permits or something?

15 A Walt.

16 Q Right. You were -- you seemed very proud of having worked
17 with him to put that together. I can't help but notice,
18 though --

19 MS. CONLON: Objection. His question is already
20 editorializing.

21 MR. SMITH: Your Honor?

22 THE COURT: You can't -- you can't preface your
23 question.

24 MR. SMITH: I understand.

25 THE COURT: Just ask a question.

D. Willis - Cross

1 MR. SMITH: Sure.

2 BY MR. SMITH:

3 Q Given that you had planned this event at McGuffey Park,
4 you said that you later found yourself very near to
5 Emancipation Park, where the rally-goers had their permit for,
6 right?

7 A Yes.

8 Q How close were you to that park?

9 A I was as close as the Jefferson-Madison Regional Library
10 is, which is on the adjacent corner.

11 Q So very close?

12 A Close.

13 Q Okay. How far is McGuffey Park from Emancipation Park?

14 In fact, do we have that map? Can I bring it up? Is that
15 possible?

16 A McGuffey Park is about one block away from Emancipation
17 Park.

18 Q Okay. So how did you find yourself closer to Emancipation
19 Park than McGuffey Park that day?

20 A I had an event -- or not an event -- I had to meet my
21 friends at a community center called The Bridge, and we did a
22 march from The Bridge to the corner of Jefferson-Madison
23 Regional Library.

24 Q Okay. I hope that everyone remembers the map from
25 earlier, but I think that this is probably --

D. Willis - Cross

1 THE COURT: I don't think we could forget it. We saw
2 it so many times.

3 MR. SMITH: I agree, Judge.

4 BY MR. SMITH:

5 Q Okay. There was -- the entrance that we seem to be
6 concerned with here on Saturday is the southeast entrance; am I
7 right about that, the one that is in the bottom right-hand
8 corner?

9 A That seems correct to me, yes.

10 Q Right. Okay.

11 You had joined hands with other groups, right -- other
12 people, other groups, other counter-protesters, if you will --
13 and you were standing in the roadway, correct?

14 A I was at the end of the line. So my feet were probably
15 still on the sidewalk, but yes, that was what the thing was
16 doing.

17 Q And you said that the intention was not to block people
18 from moving past you, correct?

19 A I think -- no, I said that the intention was about
20 standing up to hate, like, in a symbolic fashion.

21 Q But doing that by blocking people from entering their
22 legally permitted event, correct?

23 A I talked about the fact that the entrance was not blocked
24 in reality. Sidewalks were available. Alternative entrances
25 were available.

D. Willis - Cross

1 Q Are you familiar with the mechanics of moving large groups
2 of people around?

3 MS. CONLON: Objection, argumentative.

4 BY MR. SMITH:

5 Q Do you understand that if you try to suddenly stop a group
6 of about several hundred people, that they would just fall over
7 themselves?

8 MS. CONLON: Objection, argumentative. Speculative.
9 Assuming facts not in evidence.

10 THE COURT: Overruled. Overruled.

11 BY MR. SMITH:

12 Q You can answer.

13 A Could you repeat the question?

14 MR. SMITH: Can we have the question read back to the
15 witness, please?

16 (The requested portion of the record was read back.)

17 THE WITNESS: They would just fall over themselves?
18 I don't understand that.

19 BY MR. SMITH:

20 Q Well, you would have people in the front that would be
21 stopping. The people behind them might not realize that they
22 had to stop, and then they would just start to trip over each
23 other.

24 MS. CONLON: Objection.

25 THE WITNESS: I don't recall any point in the day

D. Willis - Cross

1 where several hundred people trampled this group.

2 THE COURT: All right.

3 BY MR. SMITH:

4 Q Well, that's right, because they continued to march, and
5 that's what you're upset about.

6 MS. CONLON: Objection. Argumentative.

7 THE COURT: Okay.

8 MR. SMITH: Is that a question?

9 THE COURT: Sustain the objection. You cannot argue
10 with the witness.

11 MR. SMITH: I understand, Judge.

12 BY MR. SMITH:

13 Q If they had gone around you, as you say, would you have
14 just let them pass and that would have been the end of it?

15 A For me personally, yes.

16 Q Okay. Do you think everyone else felt that same way?

17 A I don't know how everyone else felt.

18 Q So you were there; you were standing up to hate, right?

19 A Yes.

20 Q Blocking the way for them to get into their legally
21 permitted rally, right? And you're telling us that if they
22 just walked around you, that you would have just let them go?

23 MS. CONLON: Objection, asked and answered,
24 argumentative.

25 THE COURT: Sustained.

D. Willis - Cross

1 MR. SMITH: Okay.

2 BY MR. SMITH:

3 Q You said that you needed to hide your face because you
4 were afraid of being doxed, to use that term. We've already
5 talked about what it means.

6 Do you believe that when the media publishes a story about
7 someone who is said to be a white nationalist and they reveal
8 all about -- all their prior information and their entire life
9 history on a news site, do you believe that that's doxing?

10 MS. CONLON: Objection.

11 THE COURT: What's the -- he's told you what he
12 believed doxing was. I mean, why -- that's not -- no one has
13 doxed --

14 MR. SMITH: Your Honor, everyone at this defendants'
15 table has been doxed by the media.

16 THE COURT: Well, he didn't do it. He didn't do it,
17 did he?

18 MR. SMITH: I'm sorry?

19 THE COURT: He did not do it.

20 MR. SMITH: I'm curious as to whether he thinks
21 that's doxing or not, because if he thinks it's not, then that
22 would make it okay to him, but if he thinks doxing is wrong,
23 then that would make that not so okay.

24 MS. CONLON: But, Your Honor, his view of doxing is
25 irrelevant.

D. Willis - Cross

1 THE COURT: I sustain the objection.

2 MR. SMITH: Okay.

3 BY MR. SMITH:

4 Q You said that you were confused as to why the rally-goers
5 didn't just sort of turn themselves up a different road to go
6 around you to go into the park, correct?

7 A I was confused why they didn't use the sidewalk, and then
8 that follows, yes.

9 Q Had you considered the possibility that the rally-goers
10 had been in contact with the police and that the police had
11 told them to enter the park by walking down that very road that
12 you were blocking?

13 MS. CONLON: Objection.

14 THE WITNESS: Had I considered that possibility?

15 MR. SMITH: Uh-huh.

16 THE WITNESS: I hadn't considered that possibility.
17 I mean, that's not my job.

18 BY MR. SMITH:

19 Q If that were the case, would you feel --

20 THE COURT: Well, wait a minute. He doesn't -- about
21 his feelings --

22 MR. SMITH: Okay. I understand.

23 THE COURT: He said he didn't --

24 MR. SMITH: That's fine, Your Honor.

25 BY MR. SMITH:

D. Willis - Cross

1 Q You said that -- on page 200 of the transcript, I'm
2 looking at -- ah, yes. Okay.

3 Line 7, the question was: "Did you see any weapons on any
4 of the white nationalists?"

5 And your answer was: "Yes. A lot of them had holstered
6 weapons, especially the men in the park, holstered weapons on
7 their hips that, just like July 8th, they were constantly
8 pointing to, armed with their pepper spray."

9 The sentence goes on for a little while. I was really
10 talking about this holstered weapons part. If a lot of people
11 had holstered weapons, and this is -- and this was, as you
12 allege, a conspiracy to commit racial violence, wouldn't you
13 expect those weapons to be, I don't know, discharged at some
14 point?

15 MS. CONLON: Objection, argumentative.

16 THE COURT: Sustained.

17 BY MR. SMITH:

18 Q Do you think that the people with the holstered weapons
19 came to the rally to do violence?

20 MS. CONLON: Objection, Your Honor.

21 MR. SMITH: It's an ultimate issue in the case,
22 Judge. He's a plaintiff.

23 THE COURT: Well, you know, you ask these questions.
24 You ask him did they conspire to do something, and he says yes,
25 do you know the legal ramification of that?

D. Willis - Cross

1 MR. SMITH: Yes, Judge.

2 THE COURT: Well, if you want to risk that, that's
3 all right.

4 MR. SMITH: I'll withdraw the question.

5 BY MR. SMITH:

6 Q Was standing in the street blocking the way of the
7 rally-goers, was that something you would refer to as direct
8 action?

9 A I don't think so.

10 Q How did you expect that encounter to go on the street?

11 A I expected them to change their course.

12 Q To change their course and go around you?

13 A Yes.

14 Q And if other people then decided to continue to block
15 their way by moving to block them, what would they do then?

16 A I don't know what they would do.

17 Q You understand that if people just had to walk around you
18 every time you blocked an entrance to a permitted event, that
19 you could effectively end-run the entire First Amendment by
20 just never letting anyone get inside their permitted event,
21 right?

22 MS. CONLON: Objection. Argumentative.

23 THE COURT: You can argue the case in summation, but
24 you may not argue it with the witness.

25 MR. SMITH: I understand, Judge.

D. Willis - Cross

1 BY MR. SMITH:

2 Q You said you believe that at some point you thought the
3 permit wasn't the best idea anymore?

4 A I said that, yes.

5 Q Okay. Well -- never mind. Withdrawn.

6 Did you know that a federal district court said that the
7 permit needed to be honored by the city of Charlottesville?

8 MS. CONLON: Objection.

9 THE COURT: That's just --

10 MR. SMITH: Is that --

11 THE COURT: Well, they have a permit and that's it.

12 MS. CONLON: Your Honor --

13 THE COURT: The discussion is over.

14 MR. SMITH: Okay.

15 THE COURT: You were here when we talked about this?

16 MR. SMITH: Yeah, I think it may have preceded my --
17 I understand, Judge.

18 BY MR. SMITH:

19 Q You said that the -- blocking the street on the 12th, you
20 said that was like the protest at the Jefferson statue, right?

21 A In the sense that it was about what it represents.

22 Q I see. But physically it was different, right? You were
23 joined hands around the Jefferson statue, but you weren't
24 blocking anyone's routes or anything, correct?

25 A I don't think we were effectively blocking anyone's routes

D. Willis - Cross

1 on the 12th, either.

2 Q Oh, okay. So that was all just for show and it was a big
3 bluff?

4 MS. CONLON: Objection, argumentative.

5 MR. SMITH: I'm just curious, Your Honor. I really
6 don't know.

7 THE COURT: Overruled. Go ahead.

8 THE WITNESS: Maybe the first part of your question
9 makes more sense, which is the part, was it for show? Yes, in
10 the sense that it's a performance. It's a gesture. It's
11 symbolic in the same way that circling hands around the
12 Jefferson statue was. That's why there was still space on the
13 sidewalk for people to go around.

14 BY MR. SMITH:

15 Q Did you see -- in that particular situation did you see it
16 as a possible outcome that the rally-goers might continue to
17 march forward to their permitted event?

18 A Based off of how violent they were the evening beforehand,
19 I would say it crossed my mind, but I thought that they would
20 just go around.

21 Q Did you agree with other people to join hands to block the
22 route?

23 A Did I agree? No, we never discussed it beforehand.

24 Q You just naturally, organically just came together and
25 joined hands?

D. Willis - Cross

1 A Exactly, yes.

2 Q Oh. Spontaneously?

3 A Yes.

4 Q Okay. You said that you were pedestrians. This was
5 earlier today.

6 A Yes.

7 Q What would you call the rally-goers with the permit that
8 were told by the police to enter through that particular
9 entrance following a particular route; would you call them
10 pedestrians?

11 A I didn't know about the police conversations about whether
12 or not they had been directed to that entrance, but yes, they
13 were walking. They would be pedestrians.

14 Q I see. And so in that particular situation, what happens
15 when the two groups intersect?

16 A They push through the middle and they knock everybody
17 down.

18 Q You didn't really see that as a serious possibility,
19 though?

20 MS. CONLON: Objection, asked and answered.

21 MR. SMITH: I don't remember exactly what he said,
22 Judge.

23 THE COURT: Sustained.

24 MR. SMITH: Okay.

25 BY MR. SMITH:

D. Willis - Cross

1 Q Did you do any advocacy for racial justice after
2 Charlottesville?

3 A I'm not sure. I was mostly doing stuff with my Black
4 Student Alliance.

5 Q I think you said after that weekend you were involved with
6 a couple of -- a couple of groups on campus for various things
7 and then you sort of moved on.

8 A Yeah, absolutely. Yeah, so for a long period, but not too
9 long after the events, I was involved with a lot of campus
10 activism.

11 Q This just takes me back to another question I was asking
12 before. So you're over at the Emancipation Park, like right
13 around that area, and there's this -- your event at McGuffey
14 Park is going on. What about McGuffey Park? Why didn't you --

15 A The state of emergency was called before I got back to
16 McGuffey Park.

17 Q I see.

18 You said watching white nationalists celebrating was
19 discouraging and embarrassing?

20 A I said it was discouraging.

21 Q Why?

22 A Because we wanted to have this peaceful symbolic protest
23 and we were attacked and we couldn't finish the protest. So we
24 felt like we had -- or I felt like I had failed. And I also
25 was the one that said it was our time to go. So I think I felt

D. Willis - Cross

1 personally responsible.

2 Q When did you say it was your time to go?

3 A When people were brawling on top of me and pepper spray
4 was getting sprayed.

5 Q I see. You said that one of the reasons that you were
6 discouraged is that you believe that the white nationalists,
7 quote, out-chanted and out-shouted you?

8 A Yeah.

9 Q So do you think that the First Amendment is a literal
10 shouting contest?

11 MS. CONLON: Objection, argumentative.

12 THE COURT: Sustained.

13 MR. SMITH: Sorry, Judge.

14 BY MR. SMITH:

15 Q You were quoted as saying "shut it down" with reference to
16 the legally permitted rally. Are you saying that you -- your
17 intentions were not to deprive them of their First Amendment
18 rights?

19 MS. CONLON: Objection.

20 THE COURT: You may answer the question.

21 THE WITNESS: I was not saying that when I said "shut
22 it down." That's not what I meant by that.

23 BY MR. SMITH:

24 Q Okay. By "it" you meant the rally, right?

25 A Yes.

D. Willis - Cross

1 Q Okay. So when you said shut it, the rally, down, you're
2 saying you didn't actually mean shut the rally down?

3 A Yes, I said those remarks after the rally-goers and
4 organizers demonstrated that they were interested in violence.

5 Q You said no one is required to listen to what you call
6 hate speech.

7 A When did I say that?

8 Q I believe you said it earlier today.

9 A Could you show me a line, please?

10 Q I don't have that handy because it's just today -- just
11 earlier today. I just wrote it down with quotes around it.
12 But do you believe that people are -- I mean, if I said no one
13 is required to listen to hate speech, would you agree with that
14 statement?

15 A I just know that I said that in a context.

16 Q Okay. You understand that not listening can include
17 ignoring it, right?

18 MS. CONLON: Objection, argumentative.

19 MR. SMITH: I don't know what he understands, Your
20 Honor. Remember, they were, you know -- he was talking about
21 he thought that other people had to go around him and stuff
22 like that. I don't know what he understands.

23 THE COURT: Well --

24 MR. SMITH: I'll withdraw the question.

25 THE COURT: We don't need to get into philosophical

D. Willis - Cross

1 arguments and questions on the Constitution.

2 MR. SMITH: I understand.

3 THE COURT: I'm going to instruct on the law what
4 their burden is.

5 MR. SMITH: I'll withdraw the question. It's fine.
6 It's not a problem.

7 BY MR. SMITH:

8 Q So we're almost done. Thank you for sticking with me
9 here.

10 You said that you had -- in setting up that -- that
11 McGuffey Park, the PARJ thing, right, McGuffey Park event,
12 right, you said that you had met with the Charlottesville
13 Police Department. Did you know if any other groups had
14 coordinated the events of August -- you know, the to-be events
15 of August 12th, with the Charlottesville Police Department?

16 A The to-be?

17 Q Like the upcoming events?

18 A Oh, to be.

19 Q Yeah, sorry, that wasn't very well worded.

20 A I don't know the extent to which other people cooperated
21 with the police department.

22 Q You said you had a meeting, though, with them, right?

23 A I was present for one meeting, yes.

24 Q You said that "white lives matter" has a negative
25 connotation. Can you explain that?

D. Willis - Cross

1 MS. CONLON: Your Honor, objection. Mischaracterizes
2 testimony. He was asked about whether "white power" or "white
3 lives matter" has one. He said "white power" had one, a
4 different one than "white lives matter." We can go through the
5 transcript if Mr. Smith would like.

6 MR. SMITH: Sure. I'm pretty sure he said after that
7 that "white lives matter" has a negative connotation. But...

8 THE COURT: Okay. Answer the question. And when you
9 make an objection, please take your mask off so that I can
10 understand it.

11 MS. CONLON: I apologize. I will.

12 THE WITNESS: Could you repeat the question, please.

13 BY MR. SMITH:

14 Q Sure. You said that "white lives matter," the phrase
15 "white lives matter" has a negative connotation. Why do you
16 say that?

17 A Because in a lot of communities it has a negative
18 connotation.

19 Q Okay. Why do you think it has a negative connotation?

20 A There could be all kind of reasons, but I think the main
21 reason is probably just that people typically say it to silence
22 people who are saying black lives matter.

23 Q You say to silence them. Do you mean it somehow causes
24 them to not be able to talk?

25 MS. CONLON: Objection, argumentative.

D. Willis - Cross

1 MR. SMITH: I'm not sure what he means, Judge.

2 THE COURT: Okay. But --

3 MR. SMITH: Silence is --

4 THE COURT: -- the English language, he said it, you
5 heard it. It means what it means to you, his answer.

6 MR. SMITH: Okay.

7 THE COURT: Okay. We've discussed this so much all
8 day.

9 MR. SMITH: I understand, Judge. I'm almost done.

10 THE COURT: You were here when you heard him testify
11 over and over about it.

12 MR. SMITH: Yeah, Judge.

13 BY MR. SMITH:

14 Q Would it surprise you to know that some of the defendants
15 in this case have been engaging in what you might refer to as
16 standing up for racial justice for decades now?

17 MS. CONLON: Objection. This question assumes facts
18 not in evidence.

19 MR. SMITH: Pretty sure the plaintiffs put that in
20 evidence -- well, never mind, that was their opening statement.

21 MS. CONLON: And whether Mr. Willis is --

22 MR. SMITH: I'll withdraw the question, Judge. It's
23 more appropriate for closing.

24 THE COURT: Once again, I did not -- I cannot make
25 out your -- when you are making a speech, I cannot understand

D. Willis - Cross

1 you.

2 MS. CONLON: I want you to hear my speeches, and I'm
3 sorry for that. But it sounds like Mr. Smith is withdrawing
4 the question, so I won't burden the Court.

5 THE COURT: Go ahead.

6 BY MR. SMITH:

7 Q You mentioned that -- you remember the Black Student
8 Alliance. I think someone asked you what would you think of a
9 white student alliance. But I don't think that you said -- I
10 don't think you answered whether you would seek to shut down a
11 white student alliance. Would you?

12 MS. CONLON: Objection.

13 THE COURT: I sustain the objection.

14 BY MR. SMITH:

15 Q Currently you said you live in Mexico and you teach
16 English.

17 A At the time of my deposition I was living in Mexico
18 teaching English.

19 Q Oh, okay. Do you believe that the events of that weekend
20 made you not want to pursue a career in racial justice advocacy
21 any further?

22 A I think that weekend really damaged my motivation to
23 participate in almost every aspect of what I was doing. So I
24 had to stop and just take time to heal for a very long time.

25 Q Do you think that any people on the other side of things,

D. Willis - Cross

1 i.e., the defendants or anybody that attended that, do you
2 think they felt similarly?

3 THE COURT: Well, wait a minute. We don't have that
4 case. He's testifying as to the effect upon him. He's a
5 plaintiff in the case.

6 MR. SMITH: Okay.

7 BY MR. SMITH:

8 Q This is my last question. On page 154 of the transcript,
9 line 5 -- or starting at line 3, you said, "I thought I also
10 had the right to be, like, yeah, I think I'm allowed to exist
11 and that what you're doing is gross."

12 You may have talked about this particular quote before,
13 actually. And someone asked you, what do you mean by saying, I
14 think I'm allowed to exist? And you said, "Yeah, like I think
15 they have a right to hate me. I have a right to love me. That
16 kind of a thing."

17 In your opinion, is what you're saying there. That you
18 have a right to exist, isn't that very similar to what the
19 defendants were saying when they said, you will not replace us?

20 THE COURT: You're arguing with the witness. I mean,
21 that's not --

22 MR. SMITH: I'm just asking him a question, Judge.

23 THE COURT: What?

24 MR. SMITH: I was just asking him if they aren't
25 saying the same thing.

D. Willis - Cross

1 THE COURT: Well, that's what they -- I mean --

2 MR. SMITH: It just seems so similar.

3 THE COURT: That's what they said, I think. I think
4 that's in evidence.

5 MR. SMITH: Yes, it has been entered into evidence.

6 THE COURT: It doesn't take an opinion -- well,
7 answer the question. I'm sorry. I'm getting --

8 MR. SMITH: It's my last question, Judge.

9 THE COURT: Sir, have you answered the question?

10 MR. SMITH: Can we read it back? Is that possible?

11 THE COURT: Do you remember the question?

12 MS. CONLON: Do I remember the question?

13 MR. SMITH: I don't remember the exact wording.

14 MS. CONLON: I don't remember the question but I will
15 say to the extent that Mr. Smith -- to the extent that
16 Mr. Smith is asking Mr. Willis to opine on comparing the
17 defendants' apparent philosophies to his own, it's not relevant
18 and it's improper.

19 MR. SMITH: It's not my philosophy, Judge. I'm just
20 asking a question.

21 THE COURT: Well, I sustain the objection.

22 BY MR. SMITH:

23 Q Do you believe that pro-white advocates --

24 THE COURT: Wait. Just back off so while you're
25 asking the question no one is popping the microphone.

D. Willis - Cross

1 MR. SMITH: Yeah, I keep on getting that -- is it
2 because I'm too close to it?

3 THE COURT: I don't know what pops it. It might if
4 you touch it. Try to ask a question without -- so we can hear
5 the whole question.

6 MR. SMITH: Right. Okay.

7 BY MR. SMITH:

8 Q Do you believe that pro-white advocates, for example, the
9 defendants, but pro-white advocates in general have the right
10 to exist as well?

11 A Yes, they have the right to exist.

12 Q Do you believe they have the right to assemble peacefully?

13 A Yes, they have the right to assemble peacefully. I would
14 agree about peacefully.

15 Q Do you believe that your actions on August 12th allowed
16 those pro-white advocates to assemble peacefully?

17 MS. CONLON: Objection, Your Honor, relevance.
18 That's not the question here.

19 MR. SMITH: I think the jury can understand, Your
20 Honor.

21 THE COURT: The witness can take care of himself.
22 Answer the question, sir.

23 MR. SMITH: It's okay, Your Honor. He doesn't have
24 to. No further questions. I have everything I need. Thank
25 you.

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1 THE COURT: All right. Anyone else? Will there be
2 any redirect?

3 MS. CONLON: No, Your Honor.

4 THE COURT: Okay. Thank you, sir. You may step
5 down. Call the next witness.

6 THE WITNESS: Thank you, Your Honor.

7 THE CLERK: Your Honor.

8 THE COURT: Excuse me. Hold on. Who's there?

9 THE CLERK: Mr. ReBrook wants to cross-examine.

10 THE COURT: Okay. Mr. ReBrook is calling in. We do
11 not have him on Zoom. So it was not available. But
12 Mr. ReBrook can remind us -- Mr. ReBrook, who are you
13 representing and then you may proceed.

14 MR. REBROOK: Thank you, Your Honor.

15 CROSS-EXAMINATION

16 BY MR. REBROOK:

17 Q Good afternoon. This is Edward ReBrook. I am the
18 attorney for Mr. Jeff Schoep and the National Socialist
19 Movement. Good afternoon. I just have a few questions for
20 you. This won't take long at all. Can you hear me okay?

21 A Yes. Good afternoon.

22 Q Good afternoon. My first question is: How did you know,
23 after the Charlottesville incident, after the Unite the Right
24 rally, how did you know which parties to sue?

25 MS. CONLON: Your Honor, to the extent this

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1 question --

2 THE COURT: It calls for attorney-client privilege, I
3 would think.

4 MS. CONLON: Yes.

5 THE COURT: I mean, Mr. ReBrook, and for the jury, I
6 mean, in a massive event, lots of people involved, you go to a
7 lawyer and it's up to the lawyer to advise you and tell you
8 who -- just the lawyer --

9 MR. REBROOK: I'll withdraw the question, Judge.

10 THE COURT: All right.

11 MR. REBROOK: Understood, Judge. I'll withdraw the
12 question.

13 THE COURT: Okay.

14 BY MR. REBROOK:

15 Q Let me ask a different question, which is: During the
16 Unite the Right rally, were you able to identify the different
17 logos of the different groups that were present?

18 A At the time that Unite the Right took place, I was able to
19 identify some logos more than others.

20 Q Could you specifically identify the National Socialist
21 Movement and differentiate them from the other defendants?

22 A The National Socialist Movement of the United States?

23 Q Just the National Socialist Movement.

24 A I don't think I would have been able to do that at the
25 time.

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1 Q Okay. And would you be able to identify Mr. Jeff Schoep?

2 A No, I would not have been able to. I was a layperson. I
3 didn't keep up with these people.

4 Q I understand.

5 MR. REBROOK: Thank you very much for answering my
6 questions. I have nothing further.

7 THE WITNESS: Thank you.

8 THE COURT: All right. Okay. Is that all? Okay.

9 MS. KAPLAN: Excuse Mr. Willis, Your Honor? Okay to
10 excuse Mr. Willis?

11 THE COURT: Yes. Can we start another witness?

12 MS. KAPLAN: Given the timing, Your Honor, we are
13 going to play now videotaped testimony of Samantha Froelich.
14 She was referred to in the openings. Ms. Froelich is a former
15 member of Identity Evropa.

16 MR. CANTWELL: I object to that being entered. I
17 don't believe I was properly noticed of Mr. Froelich's
18 deposition.

19 THE COURT: Is this one of the --

20 MS. KAPLAN: We believe there was no objection to
21 Ms. Froelich's testimony in his motion.

22 MR. CANTWELL: I'm sorry?

23 MS. KAPLAN: There was no objection to this
24 designated testimony in your motion, Mr. Cantwell.

25 MR. CANTWELL: I entered -- my recollection of it was

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1 that I made a blanket objection to their deposition
2 designations. And particularly those depositions that occurred
3 during the 14-month period where plaintiffs' counsel were
4 sending nearly all correspondence to my email address.

5 MS. KAPLAN: Your Honor, the Court ruled on this.
6 You ruled with respect to four depositions. They did not
7 include Mr. Froelich's deposition. This has been ruled upon.

8 THE COURT: Yes?

9 THE CLERK: Mr. Woodard has an objection.

10 THE COURT: Mr. Woodard has an objection? Well,
11 Mr. Kessler -- was Mr. Kessler -- what's your objection,
12 Mr. Woodard?

13 MS. KAPLAN: And Mr. Kolenich did not object to this
14 and he was the attorney representing the same client. I don't
15 understand this right now.

16 MR. WOODARD: It is not a blanket objection. It is
17 my understanding that there may be hearsay responses in the
18 deposition. So I would like to put on the record an objection
19 to any hearsay that may be in it. If there is none, it's not
20 much of an objection. But to the extent that there is hearsay
21 and Ms. Froelich is saying we were told, stuff like that, I'd
22 like to put an objection to that on the record beforehand so we
23 don't have to do it every sentence or something.

24 MS. KAPLAN: Your Honor, we submitted these
25 designations October 4th. They had a deadline to object based

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1 on our designations. They did not do so. And Mr. Kolenich,
2 his co-counsel, was fully involved in the case at that time.
3 They're waived.

4 THE COURT: Overrule the objections. You may read
5 the deposition.

6 MR. WOODARD: Thank you, Your Honor.

7 (Video deposition of Samantha Froelich played.)

8 THE COURT: All right. Let's stop. It's nearly 5
9 o'clock. We'll stop right here and resume tomorrow morning.

10 Members of the jury, you're excused now. Return at
11 the same time tomorrow. Do not discuss the case with anyone or
12 let anyone discuss it with you. Do not remain within hearing,
13 seeing, or anything concerning the case. So you may be excused
14 at this time. Thank you.

15 **(Jury out, 4:56 p.m.)**
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C E R T I F I C A T E

I, Lisa M. Blair, RMR/CRR, Official Court Reporter for the United States District Court for the Western District of Virginia, appointed pursuant to the provisions of Title 28, United States Code, Section 753, do hereby certify that the foregoing is a correct transcript of the proceedings reported by me using the stenotype reporting method in conjunction with computer-aided transcription, and that same is a true and correct transcript to the best of my ability and understanding.

I further certify that the transcript fees and format comply with those prescribed by the Court and the Judicial Conference of the United States.

/s/ Lisa M. Blair

Date: November 1, 2021